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1 BEFORE THE
2 UNITED STATES
3 ENVIRONMENTAL PROTECTION AGENCY

4 IN RE:)
5 THE TOWN OF PINES SUPERFUND SITE)
6 TOWN OF PINES, PORTER COUNTY,)
7 INDIANA)
8)

9 TRANSCRIPT OF PROCEEDINGS

10 The transcript of the public hearing proceedings
11 as held before the U.S. Environmental Protection
12 Agency, commencing at 2:00 p.m. on Tuesday, April 13,
13 2004, at the Michigan City Public Library, Meeting
14 Room, 100 East 4th Street, Michigan City, Indiana,
15 and reported by Melissa A. Kilgallon, duly sworn
16 official reporter for this hearing.

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ALSO PRESENT:

Cathy Murray, Town of Pines Council, President
Cheryl Vaccarello, Tetra Tech EM, Inc.
Eleanor Sukackas, Tetra Tech EM, Inc.
Members of the General Public

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1 Tuesday, April 13, 2004 --

2 (All parties present in the meeting room
3 at or about 2:00 p.m.)

4 MS. POPE: I'd like to welcome everyone
5 today. We're getting ready to start our
6 meeting. Thank you for coming this evening,
7 this is a meeting, a meeting about what's
8 going to be happening in the Town of Pines
9 regarding the consent order.

10 We have a lot of people here on our
11 panel today, and we'd like to introduce them
12 to you. But first of all, I'd like to say,
13 today we have a court reporter at the
14 meeting. When you get up and talk, or ask
15 questions, or make comments, I ask that you
16 go to the microphone, state your name first,
17 so she can get that for the transcript.
18 That transcript will be available in the
19 library and on the Web page in about three
20 to four weeks.

21 Also, the Web page is up and going. If
22 you go to the Web page, all the information
23 is on the Web page, as well as an
24 information repository. I was told by the
25 librarian, someone is still taking things

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1 out of the repository. Please, don't take
2 anything from the repository. If you would
3 like something, I'll be glad to send it to
4 you if you need a copy, if you can't get it
5 off the Web, I'll send it to you. So, just
6 give me a call and I'll send you the
7 information.

8 We'll have introductions at this time of
9 our panel who's up here. And they will be
10 introducing themselves at this time starting
11 with my far right.

12 MR. BABCOCK: Good afternoon, my name is
13 Don Babcock of NIPSCO.

14 MR. DREXLER: Tim Drexler, I'm the RPM

15 from the U.S. EPA.
16 MR. THEISEN: My name is Ken Theisen, I
17 work for U.S. EPA.
18 MR. RUSSELL: Randy Russell,
19 Superintendent of Michigan City Water Works.
20 MS. POPE: Did Senator Carr come in yet?
21 UNIDENTIFIED SPEAKER: (Shaking head.)
22 MS. POPE: She didn't. If she does, at
23 that time we'll have her come up and say her
24 short statement. But we'll go forth from
25 this time on.

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1 We'll have Cathy Murray, the town
2 president -- Town of Pines Council President
3 come up at this time.
4 MS. MURRAY: Thank you, Janet.
5 MS. POPE: You're welcome.
6 MS. MURRAY: Good afternoon. On behalf
7 of the Town of Pines, Town Council, Janet
8 Jones and Allen Becker, I'd like to welcome
9 all of you here. We would like to thank
10 Janet Pope for arranging this meeting for
11 our community. We'd also like to thank Ken
12 Theisen and Tim Drexler of EPA for all the
13 work they've done in our town on our behalf,
14 and everybody who's been helping. We would
15 especially like to extend our heartfelt
16 gratitude to the Pines Group for their
17 tireless efforts on behalf of our community.
18 The other night my husband and our two
19 daughters and I were watching TV. A
20 commercial for United Parcel Service came
21 on, you know the one where they discuss the
22 UPS services, they drive the big brown
23 trucks, they wear the brown uniforms. At
24 the end of the commercial they always say,
25 "What can Brown do for you?" And both my

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1 daughters immediately said, "Give us clean
2 water."
3 So that pretty much sums up why we are
4 here today. We're here because we all
5 thirst for clean water. Part of what we've
6 been working for is finally becoming a
7 reality. Most of the town residents are
8 going to be connected to the water. And
9 don't think for a moment that we are not
10 pleased with this latest development, we
11 are.
12 But NIPSCO and Brown created this
13 devastation. And they have more work that
14 remains to be done. Approximately 38 homes
15 within the town limits will not be connected
16 to municipal water. Again, this decision
17 seems to defy logic. Our town is only about
18 two and a half square miles big, that's
19 relatively small. And how could one

20 neighbor need municipal water for a
21 contaminated well, and another neighbor just
22 a stone's throw away be denied this same
23 water?

24 Both times EPA, IDEM, NIPSCO, and Brown
25 sat down to negotiate a deal for municipal

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1 water for our residents. Each was able to
2 consider what was in their own best
3 interest. No member from the town council
4 was at the meetings to guard our residents'
5 best interest. The current town council was
6 not in office for the first round of
7 negotiations that resulted in approximately
8 one-third of the community hooked up to
9 municipal water.

10 We know that there will be another
11 negotiation, because 38 homes have been left
12 out of the municipal water plan. The town
13 council, Janet, Ellen and myself, demand a
14 seat at that table so that we can watch out
15 for our residents' best interest. Our
16 community elected us to represent them,
17 therefore, we must look out for their best
18 interest as a town and its people, whether
19 it's one home, or 38 homes without safe
20 water.

21 Let me assure you, we will not stop
22 until every home in the community has safe
23 water flowing from their faucets.
24 Hopefully, the next time we meet like this,
25 everyone in the Town of Pines will be

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1 connected to -- will be connected to safe,
2 clean water. Thank you.

3 (Applause.)

4 MS. POPE: Thank you, Ms. Murray, for
5 those comments.

6 MS. MURRAY: Uh-huh.

7 MS. POPE: Now, at this time I'd like to
8 introduce the Pines Group, and you can stand
9 as I say your name. If I have a little
10 trouble with the pronunciation, please
11 correct me, but I'm gonna give it my best.
12 The first one is Ellen Becker, Jim
13 Butstatler.

14 UNIDENTIFIED SPEAKER: He's not here,
15 he's working.

16 MS. POPE: Diane Egelski.

17 MS. EGELSKI: Egelski.

18 MS. POPE: Nancy Kawasa.

19 MS. KAWASA: I'm right here.

20 MS. POPE: Helen Molinaro, in the back.
21 Kathy Murray, Jan Nona, Jim Buddyprast and
22 Peggy Richardson, I think we should give
23 these people a hand.

24 (Applause.)

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Now, we have Don Babcock with NIPSCO

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coming with a short statement.

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MR. BABCOCK: Sure, should I do it from there or up here? Well, I'll just stand here for a second, I guess.

5

You're primarily here for three reasons. This is the third town hall meeting that I've been at, of course. The last one was back in, I believe, in September, the Senator Antich requested that we attend, and the previous one was February 4th, and I think that was the one Kathy alluded to. And we're here basically for the same three reasons we were here at the other two.

12

Number one is: We're here to listen to your concerns, and listen carefully to those concerns.

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Number two, I've been a company employee now for about almost 27 years, and our company is committed to being conscientious about our environment. We have good environmental records, and we intend to maintain that record.

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With that said, the third point that I'd like to make now is that we're committed, we're committed to continue to work with EPA

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and IDEM. And last year that resulted in 30 homes that were -- had wells identified with some contaminants in them, getting water buffers around there, some additional 100, sufficient water supply to the town to support fire protection. With this go around, there will be approximately another a hundred forty homes connected to the Michigan City water supply.

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And there is also a piece that hasn't had much play in the media, and that is a remedial investigation and feasibility study. And we're hoping to hear some more about that topic specifically today, because I think that will help address the ongoing concerns. And then finally, we're committed to the growth and vitality of Northern Indiana in providing safe, clean energy to all of our customers.

19

MS. POPE: Now, we have Ken Theisen, the On-Scene Coordinator, to come up and talk about the amended consent order.

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MR. THEISEN: Thank you, Janet. The first consent order was signed on January 24th of 2003. That required the responsible

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parties to connect water -- Michigan City municipal water to approximately a hundred residences, which turned out to be, like, a

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4 hundred and thirty apartments, mobile homes.

5 They started work on April 26th of last
6 year, and according to the terms of the
7 order, they were required to complete that
8 work achieving substantial completion by
9 December 1st. Substantial complete, is
10 having all 130 apartments, mobile homes,
11 small businesses on city water by December
12 1st, they met that goal. Lots of weekend
13 work, an excellent contractor, D & M
14 Excavating, cooperation from all the
15 residents, they met that very tight
16 timeline.

17 Now, to finish that project, final
18 completion is to have all the roads
19 repaired, all the landscaping done by June
20 1st of 2004. And they are underway. I
21 notice there is a lot of hydromulch being
22 put in. So, they're underway in achieving
23 final completion.

24 Now, the new order is an amendment to
25 the first order. I basically used the same

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1 terms and amended my first order. That was
2 done through the winter months, through last
3 fall with my counterpart, Tim Drexler,
4 engaged in serious negotiations with
5 Ni-Source and the Brown -- Excuse me. That
6 order I have in front of me, and I can -- if
7 anybody wishes to see that, I have a copy
8 here that you can look at. That order was
9 signed by U.S. EPA on April 5th.

10 This order, again, which will build on
11 my original order will connect the next
12 phase of people, the people that aren't of
13 the emergency nature that the first phase
14 was. These 140 homes will have Michigan
15 City water, I believe the date is some time
16 by next June of 2005. We gave them extra
17 time mainly to ease some of the burden on
18 their cost. All that overtime they put in
19 last year working Saturdays to meet my very
20 strict date of December 1st was an added
21 burden this year because the homes are not
22 of an emergency nature for the most part.
23 We're giving them a little extra time.

24 So by, I think, June 1st of next year,
25 all of the next 140 will be done. We're

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1 hoping engineering has already started, and
2 I'm guessing construction will start in the
3 next 30 to 60 days bringing that next phase
4 into compliance.

5 While all this is going on, while the
6 construction starts, I hear very shortly,
7 the people in the two areas, that is the 140
8 homes that will be receiving bottled water

9 as part of phase two, and the 30, 40, 50
10 homes that are not going to be receiving
11 city water as part of phase two. Both
12 groups will be given the opportunity to have
13 free bottled water. Both the 140 homes that
14 are getting the city water and the 40, 50,
15 whatever it is, that are not getting it,
16 will receive bottled water. That will
17 happen here very shortly.

18 I'm not sure if the responsible parties
19 are going to go door to door, put handouts,
20 a mailing, require you to come in and sign
21 up, but that will all be started. So, while
22 you're waiting, the 140 of you while you're
23 waiting for your city water to be brought
24 into your house, you will have bottled
25 water. The 40, 50 or 60 homes which might

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1 be part of a phase three in the future, you
2 will also be receiving bottled water while
3 this study that Tim will talk about is going
4 to determine whether you are at risk in the
5 future or not. So, there is two groups
6 here, everybody gets bottled water, a
7 hundred and forty will get city water, the
8 third group will have to wait until some
9 studies are done.

10 Again, work should start shortly. I
11 will be involved in the second phase of this
12 project as I was last year as EPA's
13 oversight. If you have any questions, if
14 you have any complaints, when you get your
15 letter, the 140 of you when you get your
16 letters in the mail this year, we've learned
17 from last year, there's going to be a cover
18 letter explaining the project, along with a
19 consent to let the contractors on your
20 property so we can connect you. There were
21 some comments made last year that these
22 weren't very user friendly, so we tried to
23 learn from our mistakes.

24 And, again, my name and my phone number
25 is going to be in that cover letter, so if

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1 you have any questions or complaints, you
2 can contact me directly. If we run over
3 your cat, or ruin your rose bush, you know,
4 I'm the one to talk to. I will say that we
5 had very few complaints last construction
6 season. D & M and their foreman, Rick
7 Parrish, did an exceptional job. When a
8 complaint was received by me, they acted on
9 it very promptly, I believe they were
10 courteous, and I'm not aware of any major
11 problems we had as we disrupted your
12 streets, and your side roads, and your yards
13 last year.

14 So, hopefully, D & M will continue that
15 good job, and we'll have minimal disruption
16 to your lives again this summer.

17 (Applause.)

18 MS. POPE: Now we'll have Tim Drexler to
19 come up and give some information about the
20 remedial investigation feasibility study.

21 MR. DREXLER: To differentiate a little
22 bit for those of you that might not be too
23 familiar with the Superfund process, Ken
24 represents the removal program, I represent
25 the remedial program. The removal program,

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1 by and large deals with the shorter-term
2 issues. The emergency removals, the
3 emergency response, quick term, short
4 duration, relatively low cost work that's --
5 that's done on -- on a -- on a very fast and
6 very expedient nature because of more
7 immediate risk to human health and the
8 environment.

9 Once those interests and those -- and
10 those -- those concerns are dealt with, the
11 remedial program comes into play. The
12 remedial program is a -- is a longer
13 duration, usually a bit more expensive and
14 a -- and gets more into the details of
15 whether or not there are longer terms given
16 health and ecological risk to the local
17 community. That's the part of the program
18 that I represent.

19 By definition and by the law, it is a --
20 it is a longer process because it involves
21 there -- there -- there being enough
22 evidence for additional action. And so,
23 there is a -- there is a body of evidence
24 that needs to be developed and a -- and
25 determined in order to -- to decide whether

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1 or not additional actions are necessary.
2 And that's the part of the program that I
3 represent.

4 Now, for those of you, and again, it
5 might not be familiar, we've got a -- a
6 pretty extraordinary case here in Pines
7 because we were able to negotiate with the
8 responsible parties because we had
9 responsible parties that -- that -- that
10 were active and -- and were interested in
11 negotiations with this. And then we were
12 able to get quite a bit of construction done
13 in advance of -- of the actual investigation
14 work that's needed. That is very
15 extraordinary, and very unusual for me in
16 the remedial program to be a part of a
17 process like that.

18 So -- so it is somewhat unique that

19 Pines is -- is getting the extent of -- of
20 city water and bottled water that it's
21 getting without first us having to prove
22 that there is that long-term risk. So,
23 there -- there -- The way the process is
24 going so far, I -- I have to tell you, it's
25 going quite well. Now, in terms of -- of

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1 the way the process works from now, like I
2 said, I'll -- I'll be involved in remedial
3 investigation, and these are the elements
4 that are going to be taking place in the
5 short term.

6 First, the responsible parties are going
7 to be developing a work plan, and in that
8 work plan, they're going to detail to us
9 exactly how the work is going to take place.
10 I mean, we've -- we've -- we've negotiated
11 with them concerns that we had regarding
12 groundwater, regarding surface water,
13 regarding, you know, possible exposure to
14 people touching fly ash, to possible air
15 contamination. I mean, all of these things
16 are outlined in what is -- what is called,
17 the statement of work, which is a part of
18 the order that the responsible parties have
19 committed to perform for us.

20 This is not a short process, it's going
21 to take on the order of -- of -- of probably
22 three years to get to the point where we've
23 got a feasibility study, which is -- which
24 is after the remedial investigation, which
25 determines whether or not there truly is a

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1 long-term risk to human health and the
2 environment.

3 We have to go through data collection,
4 examination of the -- of the groundwater
5 flow in this area. There are still some
6 fundamental questions with this area,
7 because we know that -- that there are some
8 natural -- there are some natural
9 mineralizations in the groundwater in Pines.
10 We know that -- that there is boron and
11 molybdenum that's naturally occurring in
12 this groundwater, and we have to try to
13 differentiate between what might be manmade
14 and what might be natural. What might be
15 increasing in concentration, and -- and what
16 is stable and low enough that is not going
17 to be a long-term threat. This is
18 information that's going to take some time
19 to develop.

20 Now, once the work plan and the field
21 sampling plan are developed by -- by the
22 responsible parties, that information is
23 going to be evaluated by us and approved,

24 along with our assistance from the -- the
25 Indiana Department of Environmental

0020

1 Management. As you'll notice from the
2 bullet in here, that we'll have a -- have a
3 contract with the community group in place;
4 I'll be talking a little bit more about that
5 as we go along. But I want you to be
6 assured that there is a lot of community
7 involvement during this process. And all of
8 the -- of the documentation that I listed up
9 here, and all of that information, there is
10 opportunity for community involvement and
11 participation in commenting on that process.
12 It is a part of the Superfund law; it is a
13 part of what's called a National Contingency
14 Plan, on which all of our regulations are
15 based, that we want an active and interested
16 community. And that's why the fact that we
17 have groups here that are taking an active
18 interest in this.

19 In some instances, it's -- it is
20 unusual. I mean, in -- in -- Actually, what
21 I'm going to be talking about is a technical
22 assistance plan, and the involvement of a
23 local community group. One of the first
24 four questions we had from our headquarters
25 agency, was whether there was even a group

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1 here that would be interested in this money.
2 And I, of course, said, "I don't think there
3 is going to be any problem of there being
4 interest in here -- in -- in this process as
5 it goes along."

6 So again, I want to encourage people to
7 be a part of that process and assist us in
8 the development of all of this work. This
9 is just going over some of the additional
10 information. There is going to be a
11 remedial investigation report that's --
12 that's going to be developed after all of
13 the sampling and analysis that is -- is
14 done. And that report forms the basis of
15 evaluating for current and future risk.

16 Again, not only to the local residents,
17 but also to the environment. We are tasked
18 with trying to determine whether or not
19 we've got local species at risk. We know
20 that there's some amount of surface
21 contamination that might be making it to the
22 Dunes National Lakeshore. We want to see
23 whether or not there is impact to that -- to
24 that environment, to that ecosystem. And
25 so, there's going to be a lot of

0022

1 environmental sampling and analysis that's
2 going to be a part of this process.

3 Now, in terms of -- of -- of de- --
4 determining whether or not there's a need
5 for additional action in our -- in our -- in
6 our vocabulary that's a remedial action,
7 that's a remedy. Is there a need for
8 additional work? is there -- is there an
9 environmental threat? what do we do to deal
10 with that environmental threat? what do we
11 do to fix that? coming up with the
12 engineering plans on, you know, what -- what
13 might be necessary, is there a remaining
14 human health risk? people, over their
15 lifetimes, if they are consuming the lower
16 levels of some of these minerals, is there a
17 risk to their health? and, if there is, then
18 what do we do to fix that? These are the
19 elements that we have to take into
20 consideration by our regulations in order to
21 come up with an answer to that. And they
22 are first and foremost as to the overall
23 protection of both human health in the
24 environment.

25 Below that, we've got to make sure we're
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1 in compliance with any state and local
2 regulations in addition to our own law.
3 There is also the short and long term
4 effectiveness of the remedy. We have to
5 make that it is something that can be
6 implemented. We have to take into account
7 the potential costs. Now that the two
8 things -- Or, the final bullet is the one
9 that you guys are going to be interested in,
10 and that is, not only do we need the state
11 acceptance in our remedy, but we need
12 community acceptance. And again, that gets
13 back into community involvement.

14 And so, these are the criterias that we
15 need to go through before there is a
16 determination of an additional -- of
17 additional work. Now, I mentioned community
18 involvement, this light talks about the
19 technical assistance plan. We negotiated
20 with the responsible parties that there will
21 be made available \$50,000 to an eligible
22 community group, and that eligible community
23 group has to be composed of people that are
24 affected, or potentially affected by this.
25 It has to be people that are part of a

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1 nonprofit organization, either existing, or
2 in the formation of a nonprofit. And they
3 also have to have the capability to manage
4 funds, the criterias that are spelled out in
5 our regulations for the approval and
6 acceptance of a group.

7 Now, some people I know have already

8 heard that there is a question because the
9 responsible parties are the people that
10 choose the group. That's absolutely true.
11 The responsible parties, we all select a
12 group, but they only select a group from a
13 selection we make. So, we might come up
14 with one group that we think is eligible
15 based upon people applying to Janet for a --
16 for expressing an interest in this \$50,000,
17 there might be one group, there might be
18 two, there might be three. What I will
19 encourage, as the local community to do, is
20 if it looks like there is going to be more
21 than one group, you guys need to get
22 together and try to work out there being a
23 single group so that we don't have to
24 choose, or the responsible parties don't
25 have to choose. Because if we're handing to

0025

1 the responsible parties two groups that we
2 think qualify, it doesn't matter to us which
3 one they choose. So really, it's better for
4 the community, if you guys can decide in
5 advance that, okay, we're going to get
6 together, there's just going to be a single
7 group, we're going to apply for this, and
8 we'll go.

9 But once we've decided, you know,
10 amongst a couple, it doesn't matter to us --
11 to us really, so long as they choose from
12 our selection which groups the responsible
13 parties give those funds to. Now, the funds
14 themselves are to be used by the community
15 group to hire a technical advisor. That
16 technical advisor then helps the group to
17 understand all of the documents that I --
18 that I listed earlier that we're going to be
19 developing. A work plan, a sampling plan,
20 human health and ecological risk
21 assessments, which determine, you know, what
22 the long-term risks are to the community and
23 to the environment.

24 The feasibility study which -- which
25 outlines to us what type of additional work

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1 might need to be done. And then the final
2 evaluation of, Okay, what are we going to do
3 out of a -- out of a short list of possible
4 options. Based again upon protection of
5 human health, costs, implementability,
6 and -- and -- and the others that I listed.
7 So, that's the tech- -- that's the technical
8 assistance plan that will be made available
9 to the community. That's all I have.

10 MS. POPE: Turn the lights on so you can
11 see 'em. At this point, we're going to
12 start our question-and-answer period. I ask

13 that you, when I call your number, come up
14 to the microphone and state your name, and
15 this is for our court reporter so she can
16 get the information in the transcript. And
17 speak clearly, so she can get that
18 information, and the panel will answer your
19 questions. We also have here with us, but
20 not up here is Kevin Herron, who's from the
21 Indiana Environmental Management --
22 Department of Environmental Management,
23 Kevin's here. We also have Mark Johnson
24 with the ATSDR, so we do have those people.
25 Is there anybody --

0027

1 MR. JOHNSON: And Michelle Kouch
2 (phonetic) also.

3 MS. POPE: And Michelle -- Let me get
4 that right, ATSDR. Did the senator come in?

5 MR. BABCOCK: Let me offer something, I
6 believe our state representative is here,
7 Charlie Brown.

8 MS. POPE: Charlie Brown, the State Rep,
9 would you like to come up, Mr. Brown, and
10 have a few words?

11 MR. BROWN: Thank you, thank you very
12 much. I'm -- I'm in here to listen. I'm
13 still not clear on the last time I was here
14 with the matter, only a few hundred and so
15 homes were going to be provided city water.
16 Now, in an announcement I saw that there is
17 going to be additional homes, but still it
18 isn't clear how many homes are still without
19 water coming from the municipality. And is
20 that to the satisfaction of most of the
21 residents here that this resolves the major
22 issues and also to the contamination. And
23 also, my main interest is, whether, in fact,
24 the State has lived up to all of its
25 obligations, that's what I'm more interested

0028

1 in. I have no control over this, the U.S.
2 Government, the EPA. But my interest is
3 whether, in fact, the State of Indiana has
4 lived up to all of its commitment, whether
5 the majority of most of the citizens here
6 now are satisfied with the water situation
7 as it was prior to attempts to provide city
8 water to them.

9 I'm here to listen and to take back in
10 commission to the State as to what needs to
11 be done relative to the water contamination
12 project at the time. Thank you.

13 MS. POPE: Thank you. Thank you so much
14 for that. We'll start our
15 question-and-answer period at this time.
16 Number one, Les Hurley.

17 MR. HURLEY: Les Hurley. Now, when I

18 hook up to city water, am I going to have to
19 cap off my well?
20 MR. THEISEN: Yes, you will have to --
21 The well will be --
22 MR. HURLEY: Even if it's well below the
23 standard the EPA said.
24 MR. THEISEN: That's correct, your well
25 will be -- It won't cost you anything, but
0029 your well will have to be abandoned.
1 MR. HURLEY: Okay. Thank you.
2 MS. POPE: And if you could just set the
3 number -- Mr. Hurley, just sit it in that
4 seat before you, that seat right in front of
5 you. And if everybody will just, when we
6 finish, just set them right there
7 (indicating). Thank you. Number two,
8 Leslie, is that Ritter?
9 MS. RITTER: Yes. Two of our most basic
10 needs known to mankind are air and water.
11 We're luckily coming along with the water.
12 I'm very happy with all the progress of this
13 group, and the progress that they made. But
14 I'm still concerned about the air. I live
15 across from Illiana Block and Brick Company,
16 I'm to understand after studying business
17 law, and this is also a contaminant to our
18 air. We have NIPSCO supposedly putting out
19 emissions that are -- And not to mention
20 President Bush is lowering the standards for
21 emissions for cars. What am I supposed to
22 do, shut my windows now, or plant trees all
23 around my house? And I'd like to know, is
24 there any studies being done on our air
0030 control?
1 MR. DREXLER: Air is a part of the
2 statement of work --
3 MS. RITTER: Okay.
4 MR. DREXLER: -- related to any air
5 exposures from the fly ash coming from the
6 site area as defined by what that larger
7 circle around -- around the Town of Pines.
8 MS. RITTER: Okay. But I'm wondering,
9 have there been any studies to determine the
10 health affects on Illiana Block and Brick
11 emission, the dust, the fumes that come from
12 producing block, the cement company just --
13 by along Pines?
14 MR. DREXLER: I'm -- I'm not aware of
15 that.
16 MS. RITTER: Uh-huh.
17 MR. THEISEN: Illiana.
18 MS. RITTER: Yeah, Illiana Block and
19 Brick, there have been previously lawsuits.
20 I took a course in business law where
21 residents were too close to this type of
22

23 business. And there was a lawsuit against
24 the cement company.

25 MR. THEISEN: I would think that would
0031

1 be a county health department issue, or if
2 not, perhaps Kevin Herron from IDEM could
3 give you maybe after the meeting -- to deal
4 with Kevin over there in the front row, and
5 he can give you some idea of perhaps who to
6 talk to down in Indianapolis, and their air
7 division that can maybe give you some
8 answers to your questions.

9 MS. RITTER: Okay. I should talk to
10 Kevin?

11 MR. THEISEN: Yes. Kevin, is that okay?

12 MR. HERRON: (Nodding head.)

13 MS. POPE: Number three, Harold
14 Hamilton.

15 MR. HAMILTON: My name is Harold
16 Hamilton. And I was just wonderin' if I'm
17 not one of the -- I'm one of the 30 or 40
18 houses that ain't gettin' hooked up, will
19 that be another water test and another
20 follow-up on that to get hooked up?

21 MR. THEISEN: You will be getting
22 bottled water in the -- in the interim until
23 this study is done. And I'm not sure if
24 your planning to take anymore samples in
25 that area?

0032
1 MR. DREXLER: It's -- it's -- Now, which
2 specific houses we're going to be testing we
3 don't know yet, that's -- that's something
4 that's going to be developed through the
5 statement of work. But there will be
6 additional residential testing within this
7 area in order to -- to continue to get more
8 information, groundwater flow, and
9 contaminants, and whether or not they're
10 increasing, decreasing, or whatever. But
11 exactly which homes are going to be tested,
12 it's -- it's gonna -- we're going to have to
13 work that out, we don't know right now.

14 MR. HAMILTON: Well see, they just
15 tested my water, but I'm just wondering if
16 I'm not one of the 30 or 40 homes that don't
17 get hooked up, later on will it be retested
18 again and get -- and possibly get city water
19 on the third go around or whatever he was
20 talking about?

21 MR. DREXLER: That's a possibility. I
22 mean, there's -- there's -- there's going to
23 be a range of results, I mean, we -- we
24 don't -- we don't really know how the
25 results are going to go. But -- but

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1 that's -- that's an option. I mean, an

2 option is if we determine that's there is
3 significant long-term risk, then -- then
4 there will have to be some remedy, and city
5 water would be one potential remedy.
6 MR. HAMILTON: Okay. Thank you.
7 MR. DREXLER: Sure.
8 MS. POPE: Representative Brown, why
9 don't you come up, and then you can see.
10 Thank you. Number four, Jan Nona.
11 MS. NONA: Jan Nona. This is for Ken,
12 don't give me the look. When they started
13 the construction project last year, whenever
14 they would encounter fly ash along the sides
15 of the road --
16 UNIDENTIFIED SPEAKER: Can't hear you,
17 Jan.
18 MS. NONA: Pardon me. I'm not talking
19 into the mic. Is that better?
20 UNIDENTIFIED SPEAKER: Yeah. Thank you.
21 MS. NONA: When they started this new
22 construction project, they were going to
23 encounter a lot more fly ash. Would you
24 please ask the construction people to
25 contain this stuff immediately. We do not
0034

1 need it being driven all over the town, we
2 don't need the children playing in it, and
3 they were a little bit slow to respond to
4 our request to get it off the road. And we
5 would appreciate it if they wouldn't do that
6 this time.
7 MR. THEISEN: Yeah, we'll take care of
8 that.
9 MS. NONA: Kevin, for you. In December,
10 I was told a statement that these are the
11 boundaries of the landfill on the north
12 side. What did they decide to do about
13 that?
14 MR. HERRON: I don't know, that's not my
15 area.
16 MS. NONA: Say what?
17 MR. HERRON: That's the -- That's for
18 the landfill division, and that's under the
19 closure, and they're handling that.
20 MS. NONA: If you say so. Okay. Thank
21 you.
22 MS. POPE: I may need some help with
23 this one, Ruth Kreighbaum.
24 MS. KREIGHBAUM: I'm Ruth Kreighbaum.
25 And I wondered, who sets the numbers that
0035

1 are supposed to be a standard for the water
2 testing? And when we get our report back,
3 all we get is an arrow saying less than --
4 less than, more than, or how -- how are we
5 supposed to know if we're one point under
6 the standard?

7 MR. DREXLER: In terms of the
8 information that you get back in letters
9 from us, we've got all of the detail. So
10 if -- if -- if you give me a call or give
11 Ken a call, we can explain to you the
12 results on an item-by-item basis, we can
13 send you that full package of -- of -- of
14 the testing that's been done on your home.
15 We can -- we can make all that information
16 available to you, it's no trouble at all.
17 That's -- that's -- that's really why we
18 leave our -- our phone numbers at the
19 bottom, so that just -- just give us a call.
20 We can get all that information to you,
21 it's -- it's really no trouble.

22 MS. KREIGHBAUM: Who sets the standard,
23 is it the boarding health, the State,
24 federal, who?

25 MR. DREXLER: In terms of what --

0036

1 MS. KREIGHBAUM: The number.

2 MR. DREXLER: -- is in excedence of a
3 value?

4 MS. KREIGHBAUM: Yes.

5 MR. DREXLER: You know, unfortunately,
6 there can be many numbers. There can be a
7 number that's -- that's based upon our
8 removal action level in Superfund. There
9 can be different numbers that are used by
10 different entities.

11 MS. KREIGHBAUM: That's not fair because
12 the State could have this number, and the
13 federal could have that number. And you'll
14 say, well, the federal is higher, so we'll
15 go with them, and to heck with the state's
16 number.

17 MR. DREXLER: No, you're absolutely
18 right. And this -- this is -- this is an
19 issue that there is not sometimes as much
20 communication as we would all like between
21 different government entities to come up
22 with -- with consistent numbers, you're
23 absolutely right.

24 On one of the things that -- that --
25 that -- that has been mentioned many times

0037

1 is the -- is the number, the value that we
2 put on molybdenum, as an example, and --
3 and -- and what is considered a Superfund
4 removal action level. Right now our number
5 is 10, but for anyone that I know that --
6 that -- that we've sent letters to that have
7 10, or a mere 10, and we put on bottled
8 water, you'll notice that in that same
9 paragraph, I mention that this is not the
10 same number that's being used by our health
11 agency, by the -- the -- the ATSDR, that

12 their number is much higher than ours. And
13 frankly, they don't see where we get a value
14 of 10, but their number for children is 50.

15 And in our conversations with our own
16 government, with our own agency
17 headquarters, the agency no longer supports
18 that value, and so that value is going to
19 change at some point and undoubtedly go
20 higher. It's just a matter of people using
21 the science they have at the time and
22 that -- and that changes. So -- so, you
23 know, I don't blame anyone for having some
24 confusion and concern about -- about where
25 some of these numbers are coming for and

0038

1 where they come from. Because it is an
2 issue with us in terms of -- of -- of us
3 making sure that our publications are
4 updated.

5 Right now, the publication that uses
6 that 10 is the one that our agency has on
7 the books. So that is the number that we
8 use. Even though we don't really -- we
9 don't recognize that there is a health risk
10 at that value. That is just a number that
11 we have on the book, and that is the one
12 that we are using until the revised document
13 comes out and changes that number.

14 And so, in the letters that we've sent
15 to people with a molybdenum value that's at
16 or near that removal action level, we put
17 the stipulation in there that -- that the --
18 the bottled water is being provided for
19 this, for this time being. Because we know
20 that at some point in time that a new
21 document is going to come out that will very
22 likely change that number. And so that once
23 we get the new value, then that is the value
24 that we will go with. Did anyone have any
25 question on that?

0039

1 MS. POPE: Mark, Mark Johnson, would you
2 like to --

3 MR. JOHNSON: We had to -- I'm Mark
4 Johnson with the ATSDR. We're a agency in
5 the U.S. Public Health Service, and we have
6 been consulting with the EPA on this for the
7 last two years. Just to add to your
8 question, there is certainly a large concern
9 when there are particular agencies involved
10 and what our approach is. I think the
11 important thing that is what I can say to
12 you is that: Whatever value is collected to
13 evaluate and to set this criteria for
14 providing safe water to you, it will, in
15 fact, be protective of your health.
16 However, it's derived, whether it's a state

17 or a federal criteria, we make sure that the
18 value we use to set the clean up is
19 protective for your health. So that that
20 should be -- there should be no concern
21 about that point. But the numbers may
22 differ slightly is irrelevant to the issue
23 of protectiveness of you.

24 MS. POPE: Juanita Elkins.

25 MS. ELKINS: I'll pass, both of my

0040

1 questions were answered.

2 MS. POPE: Penny Gill.

3 MS. GILL: My name is Penny Gill, and
4 first of all, I want to say that my water
5 has got oil in it, and you can smell it, it
6 stinks, and my animals won't even touch my
7 water. And you know animals will drink just
8 about anything. And this water, it's so
9 terrible, and nothing has been done. I have
10 never been contacted. I had to -- I haven't
11 received the test back yet in the mail to
12 know what my water is. And I don't think
13 they test for oil, they just tested mainly
14 for the poisons in there. But you can see,
15 like, the scum in the water, and it smells,
16 it smells like you can just light a match
17 and go up sometimes. I mean, this isn't all
18 the time, but there is times when it smells
19 like this.

20 And also, I mean, I want to state, I
21 don't understand why we have to wait three
22 years for this testing, why don't they take
23 the money for the testing and give us city
24 water now, so that we don't have to wait? I
25 mean, I believe, you have to do a certain

0041

1 amount of testing, and, sure, this has been
2 going on for a long time now, so I can't see
3 why we have to wait another three years.

4 MR. DREXLER: Well again, at this point
5 in time, we have negotiated an agreement
6 with the responsible parties, and that
7 agreement is -- is a two-part process, and
8 the first is, that we have to deal with --

9 MS. GILL: But I mean, it's too much
10 bureaucracy from my standpoint. I mean,
11 there's -- there's too much. You have
12 already been -- This gentleman here, it's
13 been two years, and they want another three
14 years. I mean, that's five years. I mean,
15 something is going to happen to us in
16 that -- in that length of time. The water
17 is going to change, the movement, I
18 mean . . .

19 MR. DREXLER: I guess -- I guess, just
20 to answer that question a little bit. I
21 mean, if at any point during this testing we

22 come up with a situation, you know, that
23 somebody's got -- got a high exceed, it
24 looks like it's a risk to their health, then
25 we step right back to Ken's program.

0042

1 MS. GILL: How would you like to drink
2 our water? How would any of you people from
3 the government like to come and have to
4 drink our water, or to bathe in it, to wash
5 your clothes in it day after day? You don't
6 know what's in it. I mean, why can't we fix
7 it first, and then decide what needs to be
8 done?

9 MR. DREXLER: One of the issues that we
10 have right now is that -- is that we have
11 values in some of these wells that are
12 naturally as high or higher than some of the
13 values we're getting.

14 MS. GILL: Yeah, but oil is not natural
15 in water.

16 MR. DREXLER: We -- we haven't -- we
17 haven't tested every well for oil. But in
18 the areas that we have around the landfills,
19 we haven't found any.

20 MS. GILL: Well, there's -- I mean, my
21 water smells like oil.

22 MR. DREXLER: Well, I mean, what we'd
23 like to do is maybe take your address
24 afterwards, and then get back with you a
25 little bit, because we -- Again, around --

0043

1 Around the area of Ardondale, into Old
2 Chicago, around the area of the
3 Lawrenceville, the Pines and Yard 520, we
4 took -- we took --

5 MS. GILL: I'm sorry. Please excuse me.
6 I don't know what you're talking about
7 because I haven't lived here that long, I
8 don't know the areas you're talking about.

9 MR. DREXLER: Where do you live?

10 MS. GILL: I live on Old Chicago Road.

11 MR. DREXLER: Okay.

12 MS. GILL: Over by the --

13 MR. DREXLER: Near Ardondale.

14 MS. GILL: No, I live over by the Pines
15 School.

16 MR. DREXLER: By the Pines School.

17 MS. GILL: Not too far, about a block
18 away from there on Old Chicago, not on
19 Furnace, but on Old Chicago. I live what
20 would be east of the school. So, I'm sorry,
21 I don't know when you're telling me
22 different streets and different areas, I
23 don't know what you're talking -- Actually,
24 what they call where I live is Pines
25 Township, not exactly Pines because it's

0044

1 across the tracks.
2 MR. DREXLER: Okay. All right. Do you
3 know where that -- that creek crosses
4 Ardon- -- Ardon- -- Old Chicago? We can
5 talk a little bit more afterwards, just --
6 just come get either one of us afterwards
7 and we'll talk a little bit more.
8 MS. GILL: Okay. Thank you.
9 MR. DREXLER: You're welcome.
10 MS. POPE: Betty Combs.
11 MS. COMBS: My name is Betty Combs, and
12 recently the group of Pines had made
13 available to the residents a testing for
14 these contaminants at a reduced rate. And
15 when I had received my results there were
16 high levels. And I was wondering when will
17 the EPA become involved and test my well,
18 and let me know from there, you know,
19 what -- what would be going on? Or do they
20 get those results -- Did you get those
21 results, I guess that's what I need to know?
22 MR. DREXLER: We're working on getting
23 those results, we don't have all of them in.
24 MS. COMBS: Okay.
25 MR. DREXLER: But yeah, we want to get

0045
1 those results. I mean, again, as I
2 mentioned earlier, I mean, having an active
3 community is really helpful to us also. So,
4 we do plan on getting those results, and
5 they will be a part of our work in
6 determining what we need to do.

7 MS. COMBS: So, you may have mentioned
8 this earlier, but when will we be getting
9 that bottled water that's coming up?

10 MR. THEISEN: It should be within a
11 matter of days. I know the responsible
12 parties are working on the best way of, you
13 know, do they stuff your mailbox, do they
14 send you something in the mail? There is a
15 lot of people, so they want to have a
16 coordinated mailing effort. But part of my
17 job will be to make sure that happens in a
18 very timely manner.

19 MS. COMBS: Okay. Thank you.

20 MS. POPE: Pat Tharp.

21 MS. THARP: Regarding what Betty just
22 had to say with the testing that just really
23 went on, I do have some concerns with that.
24 I take it the red lines over there on the
25 map is showing what you guys have concerns

0046
1 with now, is that going to be the --

2 MR. DREXLER: Actually, the red line
3 defines what we're calling the site.

4 MS. THARP: Okay.

5 MR. DREXLER: And so -- and so what

6 we're going to be studying during our
7 investigation will be contamination within
8 the site or coming from the site. So -- so
9 that -- that not necessarily defines where
10 all work is going to take place. And as I
11 mentioned earlier, we're also interested in
12 the area of the -- of the Dunes National
13 Lakeshore, and obviously that's not within
14 our -- within our red zone there.

15 But anything coming from the site is
16 something that is -- that is going to need
17 to be chased down.

18 MS. THARP: Is the Pines School area
19 still in your concern?

20 MR. DREXLER: Oh, yeah.

21 MS. THARP: And this is to Tim. You
22 mentioned at the beginning about long-term
23 risk, does that mean health problems? Does
24 that mean your studies is going to include a
25 health study.

0047

1 MR. DREXLER: There is no plans for that
2 right now.

3 MS. THARP: So then, what did you mean
4 by when you said long term is health -- what
5 you said, health --

6 MR. DREXLER: Yeah, we do --

7 MS. THARP: -- health, you determine
8 about the human health?

9 MR. DREXLER: Yeah, we perform what's
10 called a human health risk assessment. And
11 in that assessment we look at what the
12 exposure is to the highest risk population.
13 And Mark, you might want to correct me if I
14 start going wrong, and -- and -- and look at
15 a lifetime exposure and see whether or not
16 there's a -- there's a -- there's a --
17 there's an increased risk based upon that
18 exposure. And then from that, we determine
19 whether there is a need for or some way to
20 stop that.

21 MS. THARP: Can I ask what a lifetime
22 means to you?

23 MR. DREXLER: Seventy years.

24 MS. THARP: Seventy years. So, I'm
25 halfway there -- I mean, halfway there with

0048

1 living in the Pines, so I have 35 more years
2 to go. Let's see, what else do we want?
3 Also, with your study, the monitoring wells
4 that exist now, are those included in that
5 study?

6 MR. DREXLER: Oh, yes.

7 MS. THARP: Because in the past, the
8 readings have been extremely high there, do
9 you do anything with those readings?

10 MR. DREXLER: Yes, all the monitoring

11 wells will be a part of this study. Every
12 piece of information that's been gathered so
13 far by the statement of work that's part of
14 this order is -- is -- is going to be a part
15 of this study.

16 MS. THARP: Okay. And Senator Brown,
17 you asked how we all felt about what's going
18 on with our water. Actually, last fall we
19 were all concerned with the hearing now.
20 Unfortunately, after we all get hooked up to
21 city water, our problems are not over, the
22 fly ash is still going to be in the dump,
23 it's still going to be on our road, it's
24 still going to be leaking into our soil and
25 into the streams, into the rivers, and into

0049

1 the lakes. One percent of all the water in
2 the world is fresh water, one percent of the
3 world, 20 percent of that is in our great
4 lakes. And ironically, that Great Lake of
5 Michigan is going to supply us -- is going
6 to replace our wells, our contaminated
7 wells, Lake Michigan, which is now still
8 being contaminated by the leakage of what's
9 been all over by the fly ash, and that's not
10 going to go away.

11 MR. DREXLER: In answer, that is a part
12 of the study also, we are not just studying
13 the groundwater. We're studying -- we're
14 studying exposure to -- to people picking it
15 up, to -- to -- to air. We're -- we're
16 studying where it's located, what the
17 exposures are, and what those risks are, it
18 is a part of the study also, not just the
19 groundwater.

20 MS. THARP: But I mean, it's obvious --
21 it is obvious to me that, I mean, it's still
22 leaking, it is going into the river, the
23 river is going into the lake, we're now
24 going to get our water from the lake, which
25 is being contaminated. But I mean, yeah,

0050

1 sure, I mean, I'm not going to live long
2 enough, and neither is anybody else in this
3 room, nor our children or our grandchildren
4 to see Lake Michigan so contaminated that
5 they can't use it. But to me it just seems
6 like a revolving cycle. I mean, it's never
7 ending, it's just going on. I mean, really,
8 today, we need to put in place responsible
9 ways to dispose of fly ash. I mean, it just
10 can't keep going like this forever. And we
11 need to do it today, because today is the
12 future for everyone. I mean, it's not
13 tomorrow, it's today.

14 MR. DREXLER: I think that we're all
15 learning a kind of expensive and valuable

16 lesson, you know, in disposable fly ash.
17 MS. THARP: But you talk about the
18 study, three more years, how much -- I mean,
19 since '93 you were monitoring wells have
20 come up with bad readings, I mean, it's from
21 '93 to '97, you were over 5,000 with the
22 average reading of boron, 5,000, and your
23 removal action level right now is 900. And
24 in those seven years, did you do anything?
25 did you warn the people that their water

0051

1 might be contaminated? did you come and say
2 anything to anybody?

3 MR. DREXLER: Well, I can't speak for
4 what happened before I came on this project.
5 I'm sorry.

6 MS. THARP: You know, generations from
7 now when the lake is contaminated, that's
8 what those people are going to say, I'm not
9 Tim Drexler, I didn't do anything; I didn't
10 know it was in those wells back then. And
11 the water is going to be on the handwriting,
12 they're going to look and see history, and
13 take it back and wonder, Where was everybody
14 standing at this time? what were we doing,
15 ignoring everything? just worry about today,
16 the hearing now, what about the future?

17 MS. POPE: Excuse me, Ms. Tharp?

18 MS. THARP: Yes.

19 MS. POPE: Thank you for your comments,
20 but we have to move on. If you have any
21 other, you can see us after. Thank you so
22 much. Marilyn Kalamir.

23 MS. KALAMIR: Hi, I'm Marilyn Kalamir,
24 and I recently just moved to the area last
25 fall. And I thought I have covered myself

0052

1 because I knew about the water fountains in
2 the area, and made the offer on my house
3 that I bought with the contingent that the
4 well will pass inspection. I independently
5 had it tested for I thought what was going
6 to be covered in a package inspection. I
7 purchased the house, and then in January the
8 EPA came and tested my well and informed me
9 that it is, you know, polluted with boron,
10 moly- -- the moly, whatever. My concern is,
11 I am south, and I'm on Old Chicago Road or
12 Ardondale. So, I have two questions. One
13 is: Are you on detectors out there? And I
14 have livestock, and I currently have two
15 horses, and also used to raise cattle at the
16 old place where I lived, and -- and was
17 thinking about getting cattle in the future
18 on this, not a large heard, but I'm talking
19 about beef cattle that I would raise for
20 human consumption. And so, you're talking

21 about giving my household free bottled water
22 at this point, but what about my animals?
23 You're not obviously going to furnish me
24 with enough water to, you know, give to the
25 livestock. So, they're drinking my well

0053

1 water currently. What's the health problem
2 risk for those animals, and in particular,
3 beef cattle that I would sell for human
4 consumption?

5 MR. DREXLER: Mark?

6 MR. JOHNSON: I'm going to give you a
7 heads up, she had a reading of approximately
8 1,200 for boron --

9 MS. KALAMIR: Yes, yes.

10 MR. JOHNSON : -- and about 22 or 23 for
11 molybdenum?

12 MS. KALAMIR: Right, 22.7 for molybd- --

13 MR. JOHNSON: Right, and spoken of?

14 MS. KALAMIR: Right, I did talk with Tim
15 and Mark, yes.

16 MR. JOHNSON: Two questions, one is,
17 whether or not the animals could be affected
18 by these levels? We should make it very
19 clear, though, that the criteria both Tim,
20 and removal purpose using to evaluate the
21 data is set at levels well below to cause
22 health effects. And so, the fact that you
23 see the removal action of it, we are meaning
24 that it's unsafe. It's is a trigger for
25 government agencies to take a closer look

0054

1 and to provide ulterior water as
2 appropriate. We would not accept the levels
3 that you find in your wells that would cause
4 affects in animals.

5 MS. KALAMIR: Not even in their kidneys
6 or livers? Because, that's -- that's what I
7 had been informed that it could affect.

8 MR. JOHNSON: At higher levels of
9 exposure --

10 MS. KALAMIR: Okay.

11 MR. JOHNSON: -- it could, right. With
12 regards to the question about using --
13 having animals that you would then use for
14 human consumption? None of the metals that
15 have been identified in the wells here are
16 what we call biocumulative. We did not come
17 up with tissues at levels that would cause
18 concern if you were to -- comes to be to
19 sell to be for human consumption without the
20 risk of passing that on at this point.

21 MS. KALAMIR: Okay. And then my second
22 question, which specifically concerns me,
23 is: My understanding is the wells that
24 are -- I don't know how homes that are being
25 connected to the city water are basically in

0055

1 the Town of Pines. So, is there any future
2 plans to possibly run the city water down,
3 say, Ardondale Road, Old Chicago, all the
4 way to, say, the school, or something; is
5 there any plans to run city water south of
6 Route 20?

7 MR. DREXLER: That is a possibility
8 depending upon what the results of the
9 studies are.

10 MS. KALAMIR: Okay. Thank you.

11 MS. POPE: Larry Cota.

12 MR. COTA: Larry Cota. I live by Pines
13 School, I'm just right across from the
14 Mosque Temple. I've been out there 29 years
15 and I've been drinking my water. Recently,
16 my neighbor had his tested and it come back
17 bad. And now I heard the school is having
18 some trouble with their water also. What
19 are the plans for testing, now that's rural,
20 we're out in the country here? What are the
21 plans? I'm exactly one half a mile from the
22 landfill. And I've got a history of my
23 water, because way back when I thought this
24 was going to come up again, and it's
25 happened. Can you tell me what your guys'

0056

1 plans are now that several people in my
2 neighborhood, a half a mile from the dump
3 site, have problems, and what can we expect?

4 MR. DREXLER: Well, we can't tell you
5 specifically which wells are going to be
6 tested at this time, because we have not
7 developed a work plan for -- for -- for this
8 study. But there will be additional wells
9 that will be sampled and tested for these --
10 for these metals. And again, the results of
11 that study will determine whether or not --
12 whether or not we need to -- to take
13 additional action.

14 And again, it's going to be any range of
15 things to, you know, these levels are low
16 enough that they are -- they are not a risk
17 to people. Again, based upon the results
18 that we have right now including the grade
19 school, the contaminant levels in -- in that
20 water, the mineralizations, is not at the
21 level that's a risk to the children to that
22 school. And a -- and a -- If we -- Through
23 the work that we're going to be doing and
24 grade schools in the area, determine that
25 there is some variation in that, that the

0057

1 levels are increasing.

2 Or, -- And again, one of the other
3 things that we're doing is trying to
4 determine whether or not these are actually

5 manmade, or -- or whether they're natural.
6 One of the questions we have right now is
7 that regionally, the water flow is towards
8 Lake Michigan. And so, one of the questions
9 is, if it's manmade, then -- then what is
10 the source, that it's -- that it's the wrong
11 direction?

12 Certainly, from Yard 520 and so there
13 might be some mobile sources, and a -- and
14 we are going to be studying to determine
15 where there might be additional local
16 sources, but the first question that we need
17 to answer is that. There is mineralization
18 in the wells in these areas, I mean,
19 that's -- that's -- that we know, and there
20 are values that are near or at the levels
21 that we're getting.

22 Again, this value for molybdenum, at
23 a -- at a 10 point, we -- we are getting
24 excedences. But natural wells, we've gotten
25 up to 17 molybdenum, just -- just based on

0058

1 naturally occurring molybdenum within those
2 wells. So -- so, there is a lot that has to
3 be answered, and a -- and -- and we can't
4 just tell the responsible parties, you guys
5 have to put in city water all the way to
6 these homes because we have these values,
7 because we have to use the process law. And
8 the law is, that -- that we have to
9 determine, you know, beyond, you know, some
10 doubt that -- that -- that they are
11 responsible for this in order to make them,
12 you know, pay for -- for that water to be
13 delivered.

14 So, once we get past this, you know,
15 more short-term emergency level, we have to
16 step back and find out what the long-term
17 risk is before we can approach anyone about
18 paying for that, because we have to follow a
19 process of law. So again, I'm not sure
20 which wells are going to be tested in that
21 area, but we've got a lot of -- As you can
22 see, you know, if you look at these
23 documents, we got a lot of work ahead of us.
24 And -- and it's going to take some time to
25 sort out.

0059

1 MR. COTA: My neighbors did not pass on
2 boron, it was quite a bit over.

3 MR. DREXLER: Okay. Is that a test that
4 the Pines Group took?

5 MR. COTA: No.

6 MR. DREXLER: Okay. We will be anxious
7 to get that information.

8 MR. COTA: Okay. And the other comment
9 I have, moving out here in 1975, I know what

10 the size of the landfill was at that time.
11 MR. DREXLER: Which one?
12 MR. COTA: Where the fly ash is coming.
13 MR. DREXLER: Okay.
14 MR. COTA: That was kind of considered
15 to levels by my house, you know. But what
16 it was in 1975 that I can remember, that
17 thing is gargantuan, I mean, it's just an
18 accident waiting to happen, that's why I got
19 a history on my water. As the people are
20 hooked up to city water, where this plume is
21 supposedly flowing, I haven't been to
22 college or anything, but if you stop drawing
23 water from one direction, and water can
24 change flow underground for different
25 reasons, that water may end up going in all

0060

1 directions, we won't -- doesn't anybody know
2 that? That's -- that's what I'm saying,
3 with the -- with the boron showing up next
4 to me, and I'm out in the country a half a
5 mile away. I expect somebody to start
6 testing in my neighborhood, because I don't
7 want to put the expense to have mine checked
8 every month, because if I do it every month,
9 I don't get the special deal that we just
10 had for \$14 or \$12. See where I coming
11 from? So, you're saying there is no plan
12 right now as to test sites out there?

13 MR. DREXLER: Well, no, what I'm saying
14 is that we're not certain where those test
15 sites are going to be. There is -- there
16 is -- there is going to be additional
17 sampling in the area. But I don't know
18 specific, I can't tell you, you know,
19 specifically which wells we're gonna be --
20 we're gonna be choosing. But that's one of
21 the questions we have is: Whether there is
22 going to be change in water flow based upon,
23 you know, all of these -- all of these
24 residential wells being taken off? That's a
25 question you got to answer.

0061

1 MR. COTA: Okay. Thank you.
2 MS. POPE: Alvin Springer.
3 MR. SPRINGER: I'm Alvin Springer, I'm
4 with my wife here. I've been in the --
5 south of 20 now for over 20 years. We had
6 our water tested recently for the boron, and
7 the manganese, and this other moly, whatever
8 you want to call it, and the moly whatever
9 you want to call it, their lines 10 parts
10 per billion and ours is five points by five
11 parts. The manganese in the three and we
12 had a third of boron, 300.
13 Now, we just had it tested this spring.
14 My question is: I'm below the line here.

15 I'm 1600; I'm in between both folks that
16 have been up here. So, we are in between
17 the contaminated area, or south, less than a
18 mile -- less than a mile of Morton Lee. My
19 neighbor there, got horrendous results on
20 their water. Now, we've been using our well
21 water for years. My question was, even
22 though what we've had on our test results
23 all through the spring and winter, and when
24 we get into the summertime for when we have
25 drouth and everything, the water levels were

0062

1 low. Are these -- Do we have to have our
2 wells tested again as far as, are these
3 numbers going to go up? And we're in this
4 area in between 1600 North and 625, we own
5 13.2 acres of land there, I have a residence
6 there, and my son now has a residence on
7 that property, and his tested a little high,
8 too.

9 Now, you were saying you don't know
10 where your feasibility study is going to be.
11 Well, we're in the middle. And Pines School
12 is southwest of us. So that would give you
13 a good place to start. I'm just wonderin'
14 if we're going to be tested in that area, we
15 are going by the red line down from 1600 in
16 the feasibility test in our area as far as
17 our neighbors and concern for the sporadic
18 part of Pine Township.

19 When we originally came here last winter
20 and got into a lawsuit, it wasn't so much
21 for the water, because I knew they had fly
22 ash on our roads out there for years. It
23 was more like, since I live in Pines
24 Township, if I want to sell my residence,
25 like my neighbor's been trying for years,

0063

1 that just the fact that they -- we're in
2 Pines Township, and it's considered part of
3 the Pines, that we already got a stick
4 against us as far as our property values are
5 concerned. But that's the least of our
6 concerns, my wife and I right now, I mean, a
7 couple of our animals that we've had, our
8 plants, had died. And we try to grow a
9 garden. And our animals have had some
10 neurological problems. Now, I'm not saying
11 I'm a psychiatrist when it comes to animals,
12 but I mean my dogs were having his legs
13 dragging behind his back, and he's not old
14 enough to do that, and I'm kind of
15 wondering, did the water do that to him?
16 And I'm not glowing in the dark because I've
17 been drinking that water for over 20 years.
18 So, I'm just wondering if -- My question
19 was: Are we going to be part of the

20 feasibility, because I see the red line,
21 we're just below it?

22 MR. DREXLER: Well, as I mentioned, not
23 only are we studying the area within the red
24 line as the site, but we're studying
25 anything that's impacted by the site. So,

0064

1 we are going to be looking at -- at areas
2 outside of that residence.

3 MR. SPRINGER: Well, then you should be
4 planning on a few more areas as far as they
5 have taken in the Pines recently probably.

6 MR. DREXLER: Oh, yeah, like I said,
7 we're real anxious to get all that
8 information. Again, it's all -- it's all
9 information that's going to help us out.

10 MR. SPRINGER: Well, it's amazing, our
11 family is one of the first families to go
12 ahead and help on the bandwagon from Pines
13 Township here recently. It's just taken --
14 Recently, a lot of things have been taken
15 care of -- are being taken care of in the
16 Pines, but our neighbors are finally getting
17 around to saying, Hey, we got a problem
18 here, too. And you had a question, dear.

19 MS. SPRINGER: With our neighbors being
20 so close to us, they have horrendous
21 numbers, how do we know that next month our
22 numbers aren't going to be good?

23 MR. DREXLER: Well, --

24 MS. SPRINGER: You can't test it every
25 month.

0065

1 MR. DREXLER: Well, that's really one of
2 the reasons why we're going to need to study
3 this. Because we're seeing some of the same
4 things, where we see, you know, one house
5 that comes in high, the next door neighbor
6 doesn't come in high. One of the questions
7 that have been raised, I think very
8 effectively by the community is, you know,
9 what happens to my home a month from now, --

10 MS. SPRINGER: Exactly.

11 MR. DREXLER: -- I mean, is there a
12 trend here, is it going up and down? can we
13 tell if you're not testing my well every
14 quarter, then how do you know what's going
15 on here? These are all questions that we're
16 going to have to answer.

17 MS. SPRINGER: So, this feasibility
18 study will take all of that into
19 consideration?

20 MR. DREXLER: Oh, yeah, yeah. Because
21 again, what we have come up with is an
22 exposure. I mean, we've got to -- we've got
23 to figure out, you know, what is a local
24 resident's exposure here, and if we can't

25 figure out, you know, what is causing the
0066
1 variability, we're going to have a real hard
2 time determining, you know, what people's
3 risks are.

4 So, it's a part of the process. And
5 again, that's one of the reasons why it
6 takes as long as it does.

7 MS. SPRINGER: You said there wasn't
8 going to be much talk about the health
9 risks, or the health problems that people in
10 our area may have --

11 MR. DREXLER: You are talking about
12 health risks that --

13 MS. SPRINGER: -- getting into health
14 problems or health risks. I've done -- I
15 have a chronic illness, and I've been
16 investigating on it on the Internet through
17 all different kinds of agencies, and I've
18 always gotten the same answer: Yes, your
19 illness may have been caused by contaminated
20 water. Prove it. What do I do?

21 MR. DREXLER: Well, that's -- that is a
22 problem with health studies, and --

23 MR. SPRINGER: So, --

24 MS. SPRINGER: So, the feasibility study
25 is not going to include anything like that;

0067
1 correct?

2 MR. DREXLER: No, no, it's going to
3 essentially develop, you know, a scenario
4 instead of exposure and not necessarily
5 using the -- the -- the population of people
6 themselves. But just -- just their
7 exposure, and estimated over -- over a
8 lifetime, whether there is an unacceptable
9 risk to them. And then from that we try to
10 determine what to do about them.

11 MS. SPRINGER: So, if there is -- Then
12 another feasibility study is going to be
13 done, is that --

14 MR. DREXLER: No, no, once we come up
15 with those conclusions, then we develop a
16 decision on what remedy needs to be done.
17 We negotiate that with the responsible
18 parties, and then the responsible parties
19 perform that action.

20 MS. SPRINGER: Okay. Thank you.

21 MS. POPE: Thank you. Mark Johnson also
22 will be responding.

23 MR. JOHNSON: Let me clarify that.
24 Our chief role is to identify the hazards
25 and design appropriate remedies for those

0068
1 hazards. Our role, our agency, I'm working
2 with the State Health Department, because
3 I'm aware of the health impacts related to

4 that exposure. And we've an issue of June
5 of 2002 report that assess the hazard we
6 felt existed at the time. And it has a very
7 early date on it, as I understand. We're
8 extremely very interested in hearing from
9 you, your concerns, health hazards that you
10 think maybe that would help us in evaluating
11 this further. So, you need to --

12 MS. SPRINGER: So, I need to talk to
13 you?

14 MR. JOHNSON: Yes, or this gentleman.

15 MR. DREXLER: Yeah, and Mark and
16 Michelle are going to be a part of this
17 process as we go, they will be a part of the
18 team that studies Pines.

19 MS. SPRINGER: Okay. Thank you.

20 MS. POPE: Deb Grieger.

21 MS. GRIEGER: Hi, I'm Deb Grieger. You
22 say these minerals occur naturally --

23 MR. DREXLER: Yes.

24 MS. GRIEGER: -- in the water, which I
25 can understand. My question is for Michigan

0069

1 City water guy. What kind of levels do you
2 have in your water that you're going to give
3 to us, do you have any boron, any manganese,
4 any at all? Are there any -- I mean, my
5 levels were really low, thank God, but what
6 are your levels?

7 MR. RUSSELL: We have a series of tests
8 that we have to do annually for VOCs, SOCs,
9 which are different chemicals in water. If
10 I can get your address and everything, I can
11 send you a list of what we test for. And
12 show you that normally -- And it has been
13 normal for the last three or four years
14 since I've been doing the spreadsheet, the
15 chemicals in the water and minerals are not
16 there.

17 MS. GRIEGER: Okay. No boron?

18 MR. RUSSELL: And again, our source of
19 water is Lake Michigan, we have a
20 conventional unit system where we treat the
21 water with filters, and we have the best
22 available technology available, which is a
23 granulated activated carbon, which is an
24 absorbent, which takes all of those minerals
25 out of the water, and that's what gives us

0070

1 the good water that we have. So, if I can
2 get your address and everything, I'll be
3 more than happy to send you a list of all
4 the things we test for, and you can see that
5 those aren't there.

6 Now, the boron, I don't know that we
7 test for, I don't know if that's a regulated
8 contaminant that we have to test for. So,

9 if it's not regulated, we don't have to test
10 for it.

11 MS. GRIEGER: Okay. Thank you.

12 MR. RUSSELL: You're welcome.

13 MS. POPE: John Molin--

14 MR. MOLINARO: I pass.

15 MS. POPE: You pass, okay.

16 MR. MOLINARO: The answers, I already
17 had. Thank you.

18 MS. POPE: Thank you. Anthony, and I'll
19 spell the last name, --

20 MR. SKREBGS: I'll pass.

21 MS. POPE: Brian Wright.

22 MR. WRIGHT: I'm from the Environmental
23 Council. First, I'd like to thank the EPA
24 for finally taking this step. And I have a
25 two-part question; one, is under Indiana

0071

1 law, the closure plan for a landfill clearly
2 requires that contamination to achieve the
3 ground and surface water being controlled
4 and contained, what steps were taken in the
5 Yard 520 closure plan to do that?

6 MR. HERRON: You need to talk to the
7 appropriate people. Honestly, I'm in the
8 Superfund program, and that's a regulated
9 landfill and there is a section that is
10 doing that and reviewing the documentation
11 and having meetings, and those are the folks
12 you'll need to talk to, Brian.

13 MS. POPE: Is there a name? Kevin, do
14 you know the name of anybody?

15 MR. HERRON: I know a few names, but
16 I'll talk to Brian --

17 MS. POPE: Okay.

18 MR. HERRON: -- on the side.

19 MR. WRIGHT: Well, I guess the second
20 part of the question you're not going to be
21 able to answer anyway, but I'm willing to go
22 ahead and comment on this because I know the
23 answer. Which is, the state, even though
24 Yard 520, the same standards apply to Yard
25 520 are the typical standards for power

0072

1 plant raised landfills throughout the state,
2 and even weaker for the coal ash
3 impoundments located throughout the state.
4 And the state has done nothing, despite all
5 the problems at Pines, to reexamine those
6 exposal standards, and do anything to
7 prevent this kind of problem from happening
8 again. We are going to be working for the
9 next few years probably to try to get more
10 protective standards in place. And I hope
11 all of you will help us in that fight to
12 make sure this does not happen again. Thank
13 you.

14 MS. POPE: Thank you. Peggy Richardson.

15 MS. RICHARDSON: Hi, my name is Peggy
16 Richardson, I am the chairman of the Pines
17 Township Board, also a member of the Pines
18 Group. On one of the questions for Mr.
19 Theisen, you were talking earlier that the
20 130 homes in the Town of Pines which got
21 hooked up to municipal water was of an
22 emergency nature.

23 MR. THEISEN: That's correct.

24 MS. RICHARDSON: Right. Okay. What do
25 you consider emergency nature?

0073

1 MR. THEISEN: The emergency nature in
2 the first 130 homes is having homes over 900
3 parts per billion for the boron.

4 MS. RICHARDSON: Okay. I live south of
5 the town, I have 1,950 parts per billion of
6 boron, I consider that an emergency nature.

7 (Applause.)

8 MR. THEISEN: And what is your street,
9 Peggy?

10 MS. RICHARDSON: Ardondale Road, I'm
11 directly east of Yard 520.

12 MR. THEISEN: And you're getting bottled
13 water?

14 MS. RICHARDSON: I'm getting bottled
15 water, but I still have to bathe in that
16 water.

17 MR. THEISEN: And you're going to be
18 included in the second phase starting here
19 hopefully --

20 MS. RICHARDSON: The remedial studies?

21 MR. THEISEN: I think you're in the
22 second -- Are you north of 20?

23 MS. RICHARDSON: No, I'm south of 20.

24 MR. THEISEN: You are in the remedial
25 feasibility study stages; correct?

0074

1 MS. RICHARDSON: For two to three years.
2 Well, I personally think that the people
3 live south of 20 in this remedial study do
4 not want to be your test rats for this
5 study. I feel that our contamination has
6 come from fly ash. Regardless of who is
7 responsible, NIPSCO got rid of the fly ash
8 on us. So, they're responsible. So, I
9 think you need to go back to the table and
10 renegotiate, and not ask the responsible
11 party, you need to tell them to include some
12 of 20 in municipal water.

13 I don't think we need to sit in a
14 three-to-four year study to prove a point
15 that our water was contaminated by fly ash.
16 It's all in our roads, it's in our
17 driveways, we have high levels of boron and
18 molybdenum in that area. One household with

19 40 parts per billion boron. So, I don't
20 think we should be in a study, I think we
21 deserve municipal water. Thank you.

22 (Applause.)

23 MS. POPE: Kathy Murray.

24 MS. MURRAY: I have three questions.
25 My first one is: How is it determined who

0075

1 is going to be connected to the municipal
2 water in the Town of Pines and who is not?
3 For instance, why did you leave that far
4 east end of the town without municipal
5 water?

6 MR. DREXLER: I -- I guess I can start
7 to answer that. We've been in the process
8 of negotiation, the agency and the
9 responsible parties for the past
10 several -- several months, six to -- to
11 eight months. And -- and you'll notice,
12 obviously, anyone that's in this room,
13 that -- that some people are on city water
14 and some people are going to be on bottled
15 water, some people -- or outside of the area
16 of city water and bottled water.

17 It was a negotiation process. And --
18 and I will reiterate what I said at the
19 beginning, is that, this is an extraordinary
20 process, and I know that not everyone is
21 happy with this -- the way that it's -- the
22 way that it's developed. And I guess in
23 answer, again, this process is just starting
24 from the standpoint of the investigation.
25 And we've gotten good cooperation from the

0076

1 responsible parties and a start in this
2 process. And so, you're not going to see,
3 you know, hard and fast science on every
4 single home, you know, to say, this is a
5 removal of action --

6 MS. MURRAY: I just want to know why
7 those homes were left out of the municipal
8 water in the town? I mean, what was the
9 criteria that determined that those homes
10 were not going to be connected?

11 MR. DREXLER: Our criteria was to reduce
12 the risk to the residents. And the
13 reduction and risk can either be done
14 through city water or through bottled water.
15 And so long as that criteria is met, we met
16 the criteria for Ken's removal program.

17 MS. MURRAY: Okay. So, --

18 MR. DREXLER: At which point?

19 MS. MURRAY: So, what is the difference
20 between the bottled water and the municipal
21 water? I mean, you're giving municipal
22 water one block away from where you're
23 giving bottled water, why didn't it just

24 continue on to these homes?
25 MR. DREXLER: Well, again, there --

0077
1 there is a point that's negotiated. And --
2 and -- and where an ending point is, you
3 know, it could be one block, it could be the
4 next block, but it's going to be some place.
5 And at that point, there is negotiation that
6 goes on between all of the parties in terms
7 of -- in terms of -- of where the line is,
8 and -- and coming to a resolution to at
9 least the first step in a continuation of
10 the process. And so, again, it was just a
11 part of that negotiation process.

12 MS. MURRAY: It sounds like you threw a
13 dart. Okay. What happens when the
14 molybdenum rises, when your number from
15 molybdenum, right now you're saying you are
16 using 10, say it rises up to 50, your
17 standard, and the school is at 10.8 parts
18 per billion of molybdenum, are you then
19 going to pull bottled water out of their
20 schools, and then let those kids continue to
21 drink 10.8 parts?

22 MR. THEISEN: We have -- we have two
23 studies going on. The study that Tim is
24 doing is a real investigation feasibility
25 study trying to determine what the numbers

0078
1 should be for boron or molybdenum. I'm also
2 doing a study with the United States
3 Geological Survey, the groundwater experts
4 in the country as part of a Beverly Shores
5 project, which we'll hear about tonight I'm
6 sure as Mr. Herenden (phonetic) gets here.
7 The Pines School is also going to be
8 included in that study. We're going to try
9 to determine whether the boron and the
10 molybdenum from the Pines School is
11 naturally occurring. If it is naturally
12 occurring, by law we cannot assist in any --
13 whether it's a school or a private
14 residence, the bottled water will be taken
15 away.

16 If the study shows that the molybdenum
17 hence the boron in the Pines School is
18 coming from fly ash, that will be a valuable
19 tool that Tim can use in his studying that
20 area, because we know we have least 100
21 homes that the Pines has sampled, so that
22 information will be evaluated from Tim. But
23 if the study shows that it is naturally
24 occurring EPA, unless somebody gives me
25 something in writing to continue with, The

0079
1 Pines School bottled water would be
2 discontinued.

3 MS. MURRAY: Are you going to
4 discontinue the water in a year? Because
5 when that initially came out, that's what
6 you said, you were giving to the school?

7 MR. THEISEN: That is also a criteria.
8 There is a statute, again, Superfund law,
9 and there is groups you can go through to
10 increase that. But typically, a removal
11 action, and we're talking about the part
12 that has to be completed in one year from
13 its onset. So, if we discover the Pines
14 School boron and molybdenum to be coming
15 from fly ash, in one year I will have to
16 find somebody else to supply that water to
17 the school. Typically, it's the state.
18 Typically, when we reach that one year
19 deadline, whether it's O and M on a system,
20 all kinds of other projects said that we
21 work hand in hand with the state, we try to
22 get commitment from the state, whether it's
23 Indiana, or whatever state, to take over the
24 O and M, take over the bottled water, so
25 that would be my approach. If it is fly ash

0080
1 contamination that's causing the molybdenum,
2 in one year I would ask the state to take
3 over that bottled water to the school until
4 Tim's study can come up with a more
5 permanent, or whether or not municipal water
6 is an alternate, or whatever.

7 MS. MURRAY: Is your ecological study
8 going to be done in a year?

9 MR. THEISEN: I'm sure things will not
10 be. Mine will be done probably in 60 to 90
11 days, so I could have an answer here this
12 summer, whether it's naturally occurring or
13 whether it's from fly ash.

14 MS. MURRAY: Okay. And I have a
15 question for Mr. Russell. I know that when
16 the other 130 homes were hooked up
17 previously, there was some questions about
18 charges on the water bills, and in
19 particular, there was a \$15 charge on their
20 very first bill, as well as there was a
21 deposit that needed to be put down by the
22 residents. Would you mind explaining those
23 to me?

24 MR. RUSSELL: Yes, the \$15 charge is a
25 normal standard approved charge by the

0081
1 Indiana Department of -- Or not department,
2 but regulatory commission that we charge
3 people to turn on and turn off services. So
4 any new customer that comes on board, either
5 in the town or wherever, we charge them a
6 \$15 fee to turn on the service.

7 Now, with the \$100 deposit, it's a

8 hundred dollar refundable deposit after two
9 years of good service. So, if you don't
10 have any late charges, or you're not in the
11 termination notice period of two years, you
12 will get your \$100 deposit back.

13 MS. MURRAY: Do we get interest on it?

14 MR. RUSSELL: No, we're not allowed to
15 pay interest by law, ma'am.

16 MR. DREXLER: Good question.

17 MS. MURRAY: Thank you.

18 MS. POPE: Go ahead, Mark.

19 MR. JOHNSON: I want to expand on your
20 question there. You were concerned that
21 you're being provided bottled water and
22 you're still bathing in the well water. I
23 want to make sure it's clear that these
24 metals are not absorbed through the skin.
25 So, if you're bathing in the water, you're

0082

1 not being exposed, there is no ways the
2 metal can get into your body if you're
3 simply bathing in that water. And so, using
4 the bottled water as your source of drinking
5 water, is protected.

6 MS. RICHARDSON: What about cooking with
7 it?

8 MR. JOHNSON: Cooking, anything that you
9 ingest, obviously, cooking would still be an
10 exposure.

11 MS. RICHARDSON: Okay. But bathing is
12 not absorbed through the skin?

13 MR. JOHNSON: It's not absorbed through
14 the skin. So, again, --

15 MS. RICHARDSON: But until I see that in
16 writing, until I see for sure, I believe you
17 can still -- it can be absorbed through the
18 skin.

19 MR. JOHNSON: All right. We can talk
20 about that. In fact, using it for cooking
21 is the same as --

22 MS. RICHARDSON: You know, when you're
23 bathing babies in this water, I'm sorry, I
24 don't want to bathe, as far as I'm
25 concerned, I hope that Norco can put a truck

0083

1 big enough in my driveway so I can bathe in
2 bottled water.

3 MR. JOHNSON: Okay. We can talk about
4 that.

5 MS. POPE: Patty Schultz.

6 MS. SCHULTZ: Mine has been answered;
7 thank you.

8 MS. POPE: Dale Vernon.

9 MR. VERNON: I'm Dale Vernon, I live on
10 Railroad Ave. We had our water tested, but
11 they didn't break it down. And we live in
12 the City of Pines. There is three houses on

13 that road, will we be included in this for
14 bottled water?

15 MR. DREXLER: You're on the South
16 Railroad -- Or Old Railroad?

17 MR. VERNON: Railroad Ave.

18 MR. DREXLER: South of the tracks or
19 north of the tracks? Actually, it doesn't
20 matter. Yeah, if you're on Railroad,
21 then -- then you will be receiving bottled
22 water.

23 MR. VERNON: We will receive bottled
24 water?

25 MR. DREXLER: Yes.

0084

1 MR. VERNON: What about city water?

2 MR. DREXLER: No.

3 MR. VERNON: No. Why, we're part of the
4 City of Pines?

5 MR. DREXLER: We're -- Again, in terms
6 of the way the process works, we -- we're
7 covering potential exposures to people
8 through the bottled water and then -- and
9 then any- -- anymore permanent solution if
10 it's needed will be determined through the
11 study.

12 MR. VERNON: Okay.

13 MS. POPE: Tamara Davis.

14 MS. DAVIS: Hi, I'm Tammy Davis. I have
15 a question to you, Mr. Johnson. In your
16 statement that you just made to Peggy, you
17 know, we were told that our water softener
18 filters could not filter out these metals.
19 If those metals are so fine, our skin
20 happens to be water absorbed into our
21 bodies, things are injected, sunlight,
22 Vitamin E, and things that we need are
23 absorbed through our skin. I don't
24 understand how you can make a statement that
25 minerals cannot be absorbed into our skin in

0085

1 that manner. And also, we did not, as
2 residents negotiate to receive contaminated
3 water, contaminated soil, things that we
4 can't use, things that are going to kill us
5 eventually. Why is so much consideration
6 being made for the responsible parties as
7 far as negotiations?

8 You know, I would like to think I might
9 live longer than age 70, due to the things
10 that I do on a regular daily basis for
11 myself and my family. In response to the
12 lady here on our street that had the
13 animals, we've lost several very fine
14 hunting dogs with papers due to tumors of,
15 you know, upon various areas of their
16 bodies, and they -- so they are now -- our
17 dogs are now getting the bottled water. It

18 scares me to think that that's going to be
19 pulled from us and our animals, our
20 children.

21 You know, when we met at the last
22 meeting here at the library, each of you
23 that were on the panel was asked
24 individually, Would you drink our water,
25 bathe in our water, use it for any reason,

0086

1 allow your children or your grandchildren to
2 play in it, you know, ingest, or do the
3 same, every one gave an emphatic No. Why
4 are we still expected to do so? And in two
5 to three years, you may say, Hey, I guess
6 you're not at risk, see ya. You know, it's
7 a very unsettling feeling. So, I really
8 hope you guys can get it together and make
9 the responsible parties address this and
10 deal with it now, not two to three years, if
11 ever. Thank you.

12 (Applause.)

13 MR. POPE: Excuse me, Mark, can you
14 please speak into the microphone.

15 MR. JOHNSON: Over here?

16 MS. POPE: Yes, thank you.

17 MR. JOHNSON: The question about the
18 skin, I understand the confusion.
19 Certainly, we have a large surface area for
20 absorption with the skin, it's very clear.
21 Chemicals that have -- Organic chemicals can
22 absorb through the skin as they can dissolve
23 in the oil layer in our skin surface. For
24 metals, minerals, those can't dissolve in
25 the oil layer. And therefore, cannot

0087

1 penetrate into the skin readily. So, for a
2 bathing kind of exposure to water, the skin
3 is a very poor way of getting through to the
4 metals. It is a very easy way absorption
5 through the gastrointestinal tract, when you
6 ingest it, that's clear.

7 The question about pets, again, we're
8 very interested in hearing about those.
9 They can in many situations, be sort of
10 sentinels because their exposure to
11 contaminants in soil and surface water to be
12 much greater than for people. So, that can
13 often times be an indicator of the currents
14 in the environment that would be looked at.
15 So, for those of you who have pets that you
16 have concerns about disease, symptoms, we'd
17 be interested in hearing about that, those
18 are things that we need to focus on in our
19 investigation.

20 MS. MURRAY: If you have a cut on your
21 skin and you're bathing in that water with
22 boron?

23 MR. JOHNSON: Well, certainly, abraised
24 skin, or any lacerations, does provide a way
25 for it to come in more readily, that's true.

0088

1 But the surface of that cut would be pretty
2 small, the time of bathing would be limited.
3 So, I don't condition that that would be a
4 significant way of getting exposure.

5 MS. RICHARDSON: I'm sorry, but you're
6 not a woman, okay. If a woman -- There are
7 certain times when a woman --

8 MS. POPE: Excuse me, excuse me. If you
9 have a question, could please come up to the
10 mic and state your name. This is for the
11 record, and we don't want to get off focus
12 at this time. So, if you have a question --
13 That was the last question, Ms. -- Who's
14 that, Ms. Davis was the last one, actually.
15 But we have 30 minutes, and it is open at
16 this point, but we do ask you to come speak
17 into the mic, say your name, and let's keep
18 it going in that order. Sir.

19 MR. HURLEY: I guess this is for the
20 city guy. If I had a study of my particular
21 hookup and dirty water down the street, the
22 \$100 -- \$115 does that pay to get hooked up
23 here on?

24 MR. DREXLER: Once the contractor comes
25 past your home, puts the main in the

0089

1 service, yes, you'll have to pay that fee in
2 order to get your water on.

3 MR. HURLEY: What if I decide not to
4 take it the first time through?

5 MR. DREXLER: That would be an ongoing
6 fee. I mean, whether you take it now, or
7 you take it a year from now, whatever the
8 fees are at that time, that's what you would
9 have to pay.

10 MR. HURLEY: Okay.

11 MR. DREXLER: So, if the turn-on fee
12 goes up, you'd have to pay the increased in
13 cost, if the deposit cost goes up, you'd
14 have to pay the increase in deposit as well.

15 MR. HURLEY: I see, thank you.

16 MR. THEISEN: Let me say this for now,
17 if you choose not to take the city water for
18 whatever reason, that's certainly your
19 right, but then once the project reaches a
20 certain point, and you would change your
21 mind, six months after the start of the
22 project, a year, two years, the entire cost
23 of connecting you would be on your
24 responsibility. You cannot make the
25 responsible parties keep this offer open

0090

1 indefinitely, it's for the length of the

2 project.
3 Last year we had a hundred and thirty,
4 roughly, homes, mobile homes, small
5 businesses, we had two people zone in on
6 Ashby, I believe, and a lady on the eastern
7 portion of the project, we had two refusals.
8 Now, those people will again be asked if
9 they want to take part in the second phase,
10 only because there is a second phase. So,
11 if you say no, and you're taking a chance
12 that there won't be a third phase. Now,
13 think carefully before you say no for
14 whatever reason, whether you don't want your
15 well clogged or whatever reason, because
16 you're taking a chance that you would have
17 to pay for the entire connection yourself.
18 MR. BROWN: Ms. Pope, can I say ask a
19 question?
20 MS. POPE: Yes, sir.
21 MR. BROWN: I've heard that 130, and
22 then the 140 that are going to be added,
23 could anyone here give a sense for what is
24 the total number of homes in the corporate
25 limits of Pines, and then someone to answer

0091

1 the question about the Pines Township, what
2 are the total number of homes that in Pines
3 property that are not in the -- that are not
4 being considered in the first and second
5 phase for hookup?
6 MS. MURRAY: Oh, for hookup?
7 MR. BROWN: Yes.
8 MS. MURRAY: He wants to know what the
9 hookup will be, do you know the numbers?
10 MR. THEISEN: No, I don't, really, I
11 know a hundred thirty last year, a hundred
12 and forty this year, 270, but I don't know
13 the exact number of houses outside of that
14 that will be eligible in the township or in
15 the town.
16 MS. MURRAY: Cathy Murray. We have
17 approximately 38, that's an approximate
18 number that we're using. Thirty-eight will
19 not be connected to municipal water in the
20 town limits.
21 MR. BROWN: Okay. Why was 38 left out?
22 And I heard that that was negotiated. But
23 why, I mean, with that small a number, is
24 the cost exceeding so exorbitant that those
25 38 homes in the town are left out of the

0092

1 hookup? I mean, that just doesn't seem to
2 make any sense that you're leaving out 38
3 homes, unless there is some sound reason?
4 MR. DREXLER: Well, again they're left
5 out -- they're left out of the hookup, but
6 they're not out of the orders.

7 MR. BROWN: But yeah, I heard they're
8 getting water, bottled water. But why are
9 they left out of the hookup? Is it because
10 it's spread out so sporadic that it would be
11 cost prohibitive for those 38 homes to be
12 included in the hookup?

13 MR. DREXLER: Cost was part of the
14 factor.

15 MS. POPE: This gentleman right here
16 (indicating).

17 MR. BENNETT: My name is Mark Bennett.
18 The 140 homes, does that come from the
19 recent test that the Town of Pines did?

20 MR. DREXLER: The Pines, P-i-n-e-s, the
21 Pines Group perform, the --

22 MR. BENNETT: Right, I took part in that
23 test, and they tested the boron, the
24 manganese, and the molybdenum. And my boron
25 was high, but I was just wondering if the

0093

1 140 homes that you're including in the
2 second phase to get actual Michigan City
3 Water, it doesn't come from that test, or is
4 this a hundred and forty homes from
5 something else?

6 MR. DREXLER: Yeah, it came from our
7 previous testing. We don't have those
8 results yet.

9 MR. BENNETT: Okay. I live on Maine
10 Avenue, and I was wondering if Maine Avenue
11 is one of the streets that's getting the
12 city water or not? I don't really know, I
13 haven't heard anything?

14 UNIDENTIFIED SPEAKER: They are.

15 MR. BENNETT: It is?

16 MR. DREXLER: M-a-i-n-e?

17 MR. BENNETT: Yes.

18 MR. DREXLER: Oh, Maine, oh yeah, right.
19 They will be included.

20 MR. BENNETT: Right on Ardondale, yeah.

21 MR. DREXLER: You can see the areas up
22 in the map there.

23 MR. BENNETT: Okay. I haven't seen the
24 map.

25 MR. THEISEN: Yeah, Maine is included

0094

1 right in the middle.

2 MR. BENNETT: Pretty much everybody in
3 here is up to the point of getting the
4 municipal water, will we get bottled water
5 then?

6 MR. DREXLER: Correct, yes. And again,
7 within the next few days.

8 MR. BENNETT: In a few days we'll get a
9 letter or something, --

10 MR. DREXLER: Yes, --

11 MR. BENNETT: -- you were saying?

12 MR. DREXLER: -- you will have
13 notification.
14 MR. BENNETT: Okay. Thank you.
15 MS. POPE: (Indicating.)
16 MS. SPRINGER: My name is Ann Springer.
17 The bottom line, if you're outside of that
18 red area, and our numbers weren't high, even
19 though our neighbors are extremely,
20 extremely high, we don't qualify for bottled
21 water; correct?
22 MR. DREXLER: That's correct.
23 MS. POPE: Are there anymore questions?
24 MR. BROWN: Yeah, could I get a sense
25 for what would that cost be for those

0095

1 additional 38 homes, anyone know? That
2 seems to be a question that everyone would
3 want to know. I mean, that seems to be
4 discriminatory, 38 homes being left out. Is
5 the cost of that worth the value of those
6 lives versus the cost of that? And if it's
7 not in the hundreds of thousands, then it
8 should be a part of the fund negotiations
9 that those 38 homes be included.

10 (Applause.)

11 MS. MURRAY: Thank you, I agree with you
12 very much.

13 MR. MURRAY: My name is Allan Murray, I
14 have a comment on that. Maybe Mr. Babcock,
15 could you tell us how much NIPSCO made last
16 year in profits?

17 MR. BABCOCK: I don't have that number.

18 MR. MURRAY: It's got to be in the
19 millions I would imagine; right? Well, cost
20 -- Well, 38 homes, if it's based on cost,
21 you just told us in your little speech how
22 you want to help us and be environmentally
23 and all this, why not just pay for the other
24 38, 40 homes?

25 MR. BABCOCK: Well, we are cooperating

0096

1 directly with the EPA and IDEM, and it has
2 been a cooperative processes, along with
3 Brown, also. We're trusting in their
4 judgement in terms of what needs to be done
5 specifically in the community. I believe
6 that Tim talked about having bottled water
7 for these additional 38 homes until we
8 address the immediate issues. And we'll be
9 watching closely involved with the remedial
10 investigation feasibility study which will
11 determine what additional actions might be
12 taken. So, and then until we understand the
13 issues better, it's --

14 MR. MURRAY: What's to understand, the
15 town is contaminated.

16 MR. BABCOCK: What's that?

17 MR. MURRAY: What's there to understand,
18 the whole town is contaminated with water --
19 bad water?

20 MR. BABCOCK: Well, I mean, we looked at
21 the -- And when EPA looked at the individual
22 wells, some wells registered higher than
23 others. I'm confident that some homes are
24 getting water with wells that are actually
25 below the remedial action level; is that

0097

1 correct? So, that is a concern. Some homes
2 are getting municipal waters that may not
3 necessarily need to get it, and there are
4 still some other homes that, in fact, do
5 need to get it. So, we're trying to just
6 understand more along with EPA.

7 MR. MURRAY: I have another question for
8 Mr. Drexler. Earlier you said you're happy
9 that the town is involved with this here,
10 you like. During the negotiations, why
11 isn't anyone from the town invited to these
12 negotiations? What's going on in these
13 negotiations affect us, our lives, our
14 children, everything about our town. Why
15 aren't we involved in that?

16 MR. DREXLER: Well, again, as part of
17 the -- as a part of the process, before any
18 final action is taken, again it's a two-part
19 process. The first thing is that we have to
20 deal with the short-term risk. And --
21 and -- and we feel like we've done that.
22 Now, if we get information through the
23 beginning of our work that -- that -- that
24 there are some people at risk, then we will
25 address that again back into Ken's program

0098

1 or through my program.

2 MR. MURRAY: But my question was: Why
3 isn't anyone from our town involved in the
4 negotiations to this whole ground, to see
5 who is going to get water, and the results
6 of all this?

7 MR. DREXLER: Typically, in this part of
8 the process, it is a two-part process.

9 MR. MURRAY: But it's our town, and
10 you're making decisions about us. Shouldn't
11 we be involved in that? You actually said
12 that you want us to be involved.

13 MR. DREXLER: Well, it's -- Through our
14 regulations, we, again, we got two parts of
15 the process. And the first part, again, is
16 just handling the short-term emergency
17 process. And as part of that, the community
18 is usually not involved because of time
19 constraints. But as far as the permanent
20 solution and the -- and the final solution,
21 what happens in your community, you are very

22 much a part of that process.
23 MR. HERRON: Tim, I think what he's
24 asking is why are they not included in the
25 AOC negotiations, particularly? Why was not

0099

1 the community allowed to be involved in the
2 AOC negotiations?

3 MR. DREXLER: Well, as I mentioned,
4 that -- that is usually a time constraint
5 issue that we're --

6 MR. HERRON: Actually, it's by law, it's
7 a legal proceeding, and by law, by
8 regulation, it's done between the legal
9 parties, and legal parties are EPA and the
10 PRPs, so that's -- that's pretty much the
11 reason.

12 MS. BLOOMINGFIELD: Val Bloomingfield.
13 Let me refresh your memory, Tim, I think the
14 reason that we left out the homes on the
15 west was water flow and well tests. It was
16 because they were all clean well tests over
17 there and the results of the water tests.
18 It wasn't just a shot in the dark. We did
19 have, you know, that to go on.

20 MR. DREXLER: Thank you.

21 MS. POPE: Could you come up to the mic,
22 sir?

23 MR. VERNON: Why not hook up the rest of
24 the houses? what's the cost between bottled
25 water and giving us water? if I have water

0100

1 hookup?

2 MR. DREXLER: I don't know those costs.

3 MR. THEISEN: The bottled water is
4 relatively cheap, a five-gallon container of
5 water, delivered for Pines School is \$4.50,
6 a small water cooler runs for \$5 a month.
7 So I can supply the Pines School with 10
8 water coolers and all the water they can
9 drink for maybe \$4,000 per year.

10 MR. VERNON: What about the home
11 residents?

12 MR. THEISEN: Well, for home, it would
13 probably be more like \$500 a year. So, it
14 wouldn't be cheaper if that's what you're
15 getting at to provide municipal water and
16 save the bottled water. The bottled water
17 is a fraction of the cost, to run municipal
18 water -- You just can't run a water line,
19 and Randy can attest to this, you can't run
20 a water line and dead end it out there, you
21 know, two miles south on Ardondale Road, it
22 has to be looped to maintain water quality.
23 And to loop a line in that area, the cost
24 would be in the millions.

25 MR. VERNON: You've got to spend money

0101

1 to make money.
2 MR. BROWN: I hope in the final
3 negotiations, the citizens take a
4 consideration that they are devaluing some
5 homes. If I'm to make a decision about a
6 home that has a well, and what is hooked up
7 to water, if I want to move in here, I
8 naturally would want the water that has city
9 water. So, in effect by leaving out those
10 38 homes, they're lowering the value of what
11 those homes are.

12 (Applause.)

13 ALL IN UNISON: Thank you.

14 MR. WRIGHT: My comment is for
15 Representative Brown. The state legislature
16 really needs to take an examination of the
17 failure of IDEM for this community. There
18 is a history extending all the way back to
19 '93 that clearly showed that this problem
20 was coming. That's back in, '93. I then
21 looked and found that there was
22 statistically rising levels of contamination
23 in the monitoring wells at the landfill.
24 They allowed the landfill contractor to do a
25 report that said it was coming from -- all

0102
1 of the contamination was coming from the
2 surrounding peak, that was in '96. That
3 report altered the direction of groundwater
4 flow predicted by a U.S. Geological Survey.

5 Now, in '98, there were levels of
6 arsenic and lead starting to show up in the
7 monitoring wells around this landfill. The
8 landfill's response was to raise the
9 detection limit to ten times the drinking
10 water standard for arsenic, eight times the
11 standard for lead. IDEM did not catch this
12 for five years until all these problems
13 started to show up. When this contamination
14 started showing up in the town, you can
15 clearly follow in the IDEM records; they,
16 again, altered the direction of groundwater
17 flow to say the water was flowing away from
18 the town. We've gone through the records,
19 they altered the groundwater flow prediction
20 in their reports to IDEM at least four times
21 to say, Hey, this contamination isn't us.
22 There needs -- And not once has IDEM done a
23 critical evaluation of the data being
24 submitted to them by the landfill or taking
25 the required -- step one, to be taken by the

0103
1 landfills, to stop the contamination.

2 This problem could have been prevented.
3 And the state legislature needs to look into
4 why this happened, and whether it's
5 happening elsewhere in the state. And I

6 hope you and Senator Antich will ask for
7 that sort of examination. Thank you.

8 MR. BROWN: Thank you.

9 MS. POPE: Are there anymore questions
10 at this time? Well, what we'll do is, we'll
11 close this session of the meeting -- we'll
12 close this session of the meeting, but we'll
13 be around to answer some questions that you
14 have regarding the map, and certain
15 addresses that you need to give to them,
16 come up and do that. But I ask that we
17 leave here by 4:30 so we can let these guys
18 go get them something to eat before -- so
19 they can get ready for six.

20 (Proceedings concluded at 4:00 p.m.)

21
22 ---oOo---

23
24
25
0104
1 STATE OF INDIANA)
)SS:
2 COUNTY OF LaPORTE)

3
4 REPORTER'S CERTIFICATE OF EXCERPT

5 I, Melissa A. Kilgallon, Associate Reporter,
6 Notary Public, having been duly sworn as such, do
7 hereby certify that I reported the proceedings held
8 on April 13th, 2004, as held before the Public, at
9 2:00 p.m., which proceedings were held at the
10 Michigan City Public Library, Michigan City, Indiana.
11 I further certify that I have transcribed my original
12 shorthand notes through the use of computer-aided
13 transcription into the typewritten form, and that the
14 foregoing and attached pages or parts of pages
15 numbered, inclusively, one through 103 comprise a
16 true, complete and accurate transcript of the
17 aforesaid proceedings.

18 Dated this ____ day of May, 2004.

19
20
21
22 Melissa A. Kilgallon,
Associate Reporter
23
24
25

0001

1 BEFORE THE
2 UNITED STATES
3 ENVIRONMENTAL PROTECTION AGENCY

4 IN RE:)
5 THE TOWN OF PINES SUPERFUND SITE)
6 TOWN OF PINES, PORTER COUNTY,)
7 INDIANA)
8)

9 TRANSCRIPT OF PROCEEDINGS

10 The transcript of the public hearing proceedings
11 as held before the U.S. Environmental Protection
12 Agency, commencing at 6:00 p.m. on Tuesday, April 13,
13 2004, at the Michigan City Public Library, Meeting
14 Room, 100 East 4th Street, Michigan City, Indiana,
15 and reported by Melissa A. Kilgallon, duly sworn
16 official reporter for this hearing.

17
18
19
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0002

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ALSO PRESENT:

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Cheryl Vaccarello, Tetra Tech EM, Inc.
Eleanor Sukackas, Tetra Tech EM, Inc.
Members of the General Public

0003

Tuesday, April 13, 2004 --

(All parties present in the meeting room
at or about 6:00 p.m.)

MS. POPE: We're going to start the
evening session for the meeting for the Town
of Pines Site. Welcome, my name is Janet
Pope, I'm the community involvement
coordinator for this site. Today we have
some stuff to share with you. I have
brought people with me, and they have
brought me with them, and I appreciate that
so much. You've all been very patient, and
I just thank you all for that. I'm not
gonna be too long, so what I want to do at
this time is, the panel is going to
introduce themselves, starting with the
gentleman on the far right, and they'll come
this way, (indicating).

MR. BABCOCK: Good evening. I'm Don
Babcock from NIPSCO.

MR. JOHNSON: Mark Johnson, with the
Agency that Protects Substances and Disease
Registry, Federal Agency within the U.S.
Public Health Service.

MR. DREXLER: Tim Drexler with the EPA.

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MR. THEISEN: My name is Ken Theisen, I
also work for the EPA.

MS. POPE: Next on the agenda is short
statements. Is Senator Antich Carr here?

UNIDENTIFIED SPEAKER: (Shaking head.)

MS. POPE: If she comes in, we will
allow her to come up and give her statements
at that time. But at this time, I'm going
to move on, I'm going to ask Cathy Murray,
the Town of Pines Council President, to come
up.

MS. MURRAY: Good evening. On behalf of
the Town of Pines, Town Council, Janet
Jones, Ellen Becker, and myself, I welcome

15 you all here. We would like to thank Janet
16 Pope for setting up this meeting for us, and
17 I'd also like to thank, Ken Theisen, Tim
18 Drexler of EPA, for all the work they've
19 done; Kevin Herron, he's been in our
20 community doing work; and anybody else that
21 has been working in our town on our behalf.
22 We do extend our heartfelt gratitude to the
23 Pines Group for their tireless efforts on
24 behalf of our community.

25 The other night my husband and I, and my
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1 two daughters, we were watching TV, and the
2 commercial for United Parcel Service came
3 up, you know the one where they talk about
4 all of United Parcel Services, what they do
5 for you, they drive the big brown trucks,
6 they wear their brown uniforms, and at the
7 end of the commercial they always ask, "What
8 can Brown do for you?" And both of my
9 girls, at the same time said, "Give us clean
10 water."

11 So, that pretty much sums up why we're
12 here today. We're here because we all
13 thirst for safe, clean water. Part of what
14 we've been working for is finally becoming a
15 reality. Most, and I repeat, most of the
16 town's residents will be connected to
17 municipal water. Don't think for a moment
18 that we are not pleased with this latest
19 development, we are. But Brown and NIPSCO
20 have created this devastation. They have
21 more work that remains to be done.

22 There's approximately 38 homes in our
23 community, in the town limits, that are not
24 going to be hooked up to the municipal
25 water. Again, this decision defies logic.

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1 How can our community, we have
2 two-and-a-half square miles in our
3 community, that's pretty small, and how
4 could one neighbor need municipal water for
5 a contaminated well, and the neighbor, only
6 a stone's throw away, be denied the same
7 water?

8 Both times, EPA, IDEM, NIPSCO, and Brown
9 sat down to negotiate a deal for the
10 municipal water for our residents, each was
11 able to consider what was in their own best
12 interest. No member of the Town Council, or
13 even the Township Trustee has ever been able
14 to be in these negotiations. And it has
15 come to our attention that we're not allowed
16 to be in the negotiations for the first
17 ones, they can sit down and do whatever they
18 choose to us, and then study us for three
19 years, and then let us have a choice.

20 We know that there is going to be
21 another negotiation, because 38 homes have
22 been left out of the municipal water plan,
23 and they must be included. We must look out
24 for the interest of the town and its people,
25 whether it is for one home, or 38 homes

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1 without safe water. Let me assure you, we
2 will not stop until everyone in town has
3 safe water flowing from his or her faucets.

4 Hopefully, the next time we meet like
5 this, everyone in the town of Pines will be
6 connected, to clean, safe water. Thank you.

7 (Applause.)

8 MS. POPE: Thank you. At this time,
9 I'll introduce the Pines Group, and if you
10 can stand when I call your name, when I find
11 my list. PINES People In Need of
12 Environmental Safety, Ellen Becker, Jim
13 Bustatler, Diane Egelski, Nancy Colaska,
14 Helen Molinoro, Cathy Murray, Jan Nona, Jim
15 Buddyprast, and Peggy Richardson. Give
16 these people some applause, ya'll.

17 (Applause.)

18 MS. POPE: Now, we have a short
19 statement from Don Babcock, NIPSCO Community
20 Relations Liason.

21 MR. BABCOCK: Thank you. Good evening.
22 I'm Don Babcock from NIPSCO. I've been on
23 27 years with our company, and tonight we're
24 here primarily for three things, number one
25 is: We want to listen. And I attended two

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1 other similar meetings to this, one last
2 February 4th, and then another one
3 September, off of Route 20. And in both of
4 those meetings, I learned a lot from you, a
5 lot about your community.

6 The second point is, is that in my 27
7 years in my company, I've witnessed the fact
8 that NIPSCO has been an environmentally
9 conscious company. And we try our best to
10 do the right things relative to the
11 environment, relative to what we do in the
12 environmental area.

13 And specifically, we have invested about
14 \$250 million in the last several years for
15 sulfur dioxide, emission controls at our
16 generating station. And most recently,
17 we're investing another \$274 million in box
18 emission controls to make sure that our
19 skies continue to be clean.

20 But the third point I want to make is,
21 that we are committed to continuing to
22 cooperate with EPA and IDEM relative to the
23 issue in the Pines. And last year that
24 resulted in 30 homes that were identified

25 to -- with wells that had specific
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1 constituents in them. Water was brought to
2 those homes, and a buffer around those homes
3 of an additional 100 homes, so that was
4 about a hundred and thirty, plus sufficient
5 water supply to -- for fire protection for
6 the town.

7 Now, as a result of our administrative
8 order on consent, we'll be bringing water to
9 an additional 140 homes in the town, as well
10 as some bottled water to some additional
11 homes. Now, the thing that I'm also
12 interested in tonight, and we're going to
13 hear more about, it is the remedial
14 investigation and feasibility study. Which
15 is going to help us get better science, and
16 better understanding of exactly what is
17 happening with the groundwater in the Pines.

18 So, we're here to listen and it will be
19 a good thing.

20 MS. POPE: Thank you, thank you, Don.
21 There are seats up in the front if you
22 wanted to have a seat. There are seats up
23 in the front rows on both sides.

24 Next, Ken Theisen is coming in, and he's
25 going to talk about the amended consent

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1 order.
2 MR. THEISEN: Good evening. My name is
3 Ken Theisen, I work for U.S. EPA. The work
4 that went on last year in Pines was my
5 project, and I will give you a short
6 construction update on the order that was
7 signed last January 24th between EPA and
8 responsible parties. As a result of that
9 order, as Don stated, around a hundred and
10 thirty residences, including mobile homes,
11 apartments, small businesses, and a lot of
12 houses were connected to Michigan City
13 Municipal Water Supply. The construction on
14 that project started, I believe, it was
15 April 26th. And according to the order, it
16 had to be completed by December 1st. And on
17 December 1st, all 130 residences were
18 connected to Michigan City water.

19 So, they met the very tight EPA
20 deadline. The work that's going on now,
21 which is road repair, landscaping, or
22 hydromulching in that area, has to be
23 completed by June 1st of this year, and that
24 will complete the phase one of the Pines
25 project.

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1 Phase two, the order was signed on April
2 5th of this year, agreeing with the
3 responsible parties to extend that water to

4 another 140 residences. There is about 38
5 homes, as Cathy said, that are not going to
6 be receiving the City water, but all 38,
7 along with all 140, until construction is
8 completed, they will be receiving bottled
9 water. And Tim Drexler, my counterpart will
10 talk a lot more in detail about the remedial
11 investigation feasibility study, which is
12 another order that was signed on April 5th.

13 We anticipate construction to start very
14 shortly on the second phase, a hundred and
15 forty homes. It will be completed by, I
16 think it's next June 1st. The timeline
17 isn't as tight on the second phase. We hope
18 that if there are any problems, or
19 questions, or complaints, that they'll be
20 directed to me. The 140 homes that will be
21 receiving city water in phase two will be
22 getting a cover letter, and an access
23 agreement in the mail. That will allow you
24 to give us permission to enter on your
25 property for the purpose of giving you city

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1 water.

2 My name and my telephone number is on
3 that cover letter. So, if you have any
4 questions about what you're about to sign,
5 if you have any questions or complaints
6 about the construction process as it rips up
7 your street and digs up your yard to get you
8 that city water, you can call me.

9 The contractor on the project is D & M
10 Excavating, the same contractor that did a
11 really nice job last year in phase one. A
12 few complaints that I did receive were acted
13 on promptly, and the crews were very
14 courteous to the homeowners upon whose land
15 they were trespassing. So, again, that
16 order, that amendment to my original order,
17 was signed on the 5th of April, and it
18 should be completed by next June 1st. Thank
19 you.

20 MS. POPE: Now, we'll have Tim Drexler
21 to come up and he'll be talking about the
22 remedial investigation and the feasibility
23 study.

24 MR. DREXLER: Now, as Ken mentioned,
25 we're two portions of the same -- of the

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1 same program. The Superfund law, the way it
2 is written is divided into two parts,
3 removal and remedial. Removal deals with
4 the relatively short term and -- and lower
5 cost aspects of an -- of an emergency or
6 short-term action. Short-term action
7 because there is a risk to human health in
8 the environment.

9 In this case, there was a number of
10 homes that came above our action levels and
11 needed to be dealt with on a short-term
12 basis. Once that threat is -- is
13 established, and we -- and we provided for
14 the shorter term human health risks, we move
15 onto the second phase of the program, which
16 is what I represent. And in remedial, we
17 deal with the longer term, usually more
18 expensive aspects of determining not only
19 the shorter-term risk, but the longer term
20 life-long risk to possibly lower exposures.
21 And also, we start dealing with the -- with
22 the environmental risks that might -- that
23 might occur in the site. And that's dealing
24 with any type of surface water
25 contamination, contamination related to

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1 people touching the soil.

2 You'll see in the orders that were
3 signed, it's dealing with any type of -- of
4 air releases, that's going to be dealt with,
5 in addition to the groundwater and -- and --
6 and determining the groundwater flow, and --
7 and -- and getting a better handle on the
8 contamination in general. This is a longer
9 process. And so, one of the things that --
10 that -- that we were -- we were very pleased
11 with, is that -- is that we've got an
12 extraordinary situation here, and that we've
13 got both of these orders signed, essentially
14 providing water service to -- to a large
15 number of the community, plus bottled water
16 as essentially, in a lot of cases, a
17 precautionary measure that -- that we don't
18 have exceedances above removal action levels.
19 But still, we've got orders that are signed
20 saying that the City water will be provided
21 to this large area, plus bottled water
22 pending the result.

23 This is -- this is not a common
24 situation, so we were pleased at the way --
25 at the way these were signed, and -- and --

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1 and we're optimistic for the way that the --
2 the investigation is going to go.

3 Now, I'm just going to very briefly go
4 over the way the remedial process works. As
5 I mentioned to some members of the PINES
6 group, we're also very willing and able to
7 provide to the community a course, actually,
8 a day course, in how the Superfund process
9 works. The reason for that is, that at this
10 point in time, community involvement becomes
11 very important. I mean, as it's been
12 mentioned, there is not a lot of community
13 involvement coming up to this point, because

14 the orders are signed by agreements between
15 the agency and the responsible parties.
16 But that's just to deal with the
17 short-term risk. For the long term, more
18 permanent solution, there is -- there is --
19 there is -- there is -- as a part of the
20 National Contingency Plan, which is our law,
21 there is the ability for a lot of community
22 involvement. And I'm going to be discussing
23 that a little bit. But these are -- these
24 are the documents that are going to be
25 generated through this process. There is

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1 going to be a remedial investigation, which
2 is a process of collecting soil samples,
3 groundwater samples, surface water samples,
4 an investigation of all of the work that has
5 been done up to date. And also scoping out
6 what the next steps are, What sampling needs
7 to occur? what more do we need to know about
8 groundwater flow? is it predominately going
9 towards the lake? are there other directions
10 of flow? is there variation in the
11 concentration, and if there are, what are
12 those variations, and what can we expect?

13 From that information, we develop human
14 health and ecological risk assessments. And
15 those -- those assessments will tell us, you
16 know, what are the longer-term risks to
17 residents, potentially from -- from the --
18 from the site contaminants. And from that
19 information, we will develop what's called a
20 feasibility study. And in that, we
21 determine whether or not additional action
22 takes place.

23 Now, to get to the point of completing
24 that feasibility study is a three-year
25 process. Now, as I mentioned, this is a

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1 longer term process than the -- the removal.
2 The first aspect of the law is that we deal
3 with the shorter-term risk, and then once
4 we -- once we've -- once we dealt with that,
5 then we deal with the longer term and the
6 more permanent solutions. So at the end of
7 that feasibility study, we need to develop
8 those longer-term solutions.

9 And I'm going to skip ahead so that we
10 can move on to the question-and-answer
11 period. But these are the criteria for
12 determining what more permanent solutions we
13 take. As you can tell, you know, based upon
14 our NCP, our regulations, the first and
15 foremost one is the overall protection to
16 human health and the environment. These are
17 the criteria that we use in order to
18 determine what the final remedy is, if one

19 is needed. And in addition to that, we have
20 to comply with state and local regulations.

21 We have to deal with the short- and
22 long-term effectiveness of -- of that
23 remedy. How well it's implemented,
24 reduction of toxicity, the costs that's
25 involved. And state acceptance, and most

0018 important to you, community acceptance.

1 Now, that gets me to my next point. And
2 that is -- that is as we go through this
3 process, and like I said, it's a long
4 process with another -- a number of
5 documents that are being generated before we
6 reach that -- that -- that sort of ultimate
7 final remedy. And because of that, through
8 these negotiated orders with the responsible
9 parties, we made as a part of those orders,
10 the designation of funds that will be made
11 available to the community to use in order
12 to get a technical advisor that will assist
13 the community to be an independent voice,
14 along with the rest of us. Which would be
15 the Indiana Department of Environmental
16 Management, the responsible parties, and the
17 U.S. EPA to determine what is the best
18 ultimate solution for the community. So,
19 there are -- there are these funds that will
20 be released to a -- to a organized community
21 group.

22 There are -- there are stipulations. I
23 mean, it has to be people that are local,
24 that are affected, or possibly threatened by

0019 the release. And it has to be a nonprofit
1 organization, and then it also -- the
2 organization has to show that it's capable
3 of managing its funds.

4 Now, there's already been an article in
5 the newspaper regarding these funds that --
6 that the responsible parties are the ones
7 that choose the group. And so, you know,
8 they could load the dice. The responsible
9 party does choose the group. However, by
10 the terms of this order, the responsible
11 parties must choose the group based on a set
12 of groups that we give them. So we, as the
13 agency, make the determination of which
14 groups are eligible using our regulations.
15 And from that list, we give it to the
16 responsible party. And so long as those
17 groups all fit our criteria, then it doesn't
18 matter to us which groups they choose.

19 Now, what that means to you is that, if
20 there is potentially more than one group in
21 the community that is interested in these
22 funds, then it is in your best interest to
23

24 get together as a community so that there
25 is -- there is really only one group that --

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1 that -- that get these funds, so that we
2 don't have to make these choices. Again, we
3 have criteria based on our regulations in
4 terms of who get the funds. It's in your
5 best interest to join together so that, you
6 know, we don't have three or four competing
7 groups, and then there has to be a choice.
8 That's really all that I had to say about
9 the remedial part of the program.

10 MS. POPE: Thank you, Tim. At this time
11 we're going to open up for our
12 question-and-answer period. When you came
13 in, you signed a -- got a number, they took
14 your name. So, I'll go in that order, I'll
15 call out your numbers. We ask that when I
16 call your number, that you will come up to
17 the mic, state your name, and then your
18 question or your comment. Speak clearly, we
19 have a court reporter here today, she's
20 transcribing this meeting, this meeting will
21 be on the Web in the repository in about
22 three weeks. So we want to have accurate
23 information here, so . . .

24 And we ask that you limit your comments
25 to about two minutes today, because we have

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1 to be out of here about a quarter to eight,
2 the Library says we need to turn the lights
3 out at eight, so we need to be out by a
4 quarter to. So, we'll start.

5 Number 26, R. Marsh- --

6 MS. MARSCHKE: Marschke.

7 MS. POPE: Marschke.

8 MS. MARSCHKE: My name is Willabe
9 (phonetic) Marschke, I live in the Pines.
10 I'd first like to thank the committee for
11 getting it to this point. And although I am
12 not one of the chosen, I would like to
13 inquire about the lines running in front to
14 the side of my home in Beverly Shores, gets
15 their water in. Would it be a feasible
16 thing for me to try and have water piped
17 into my home at that time, anybody?

18 MR. THEISEN: That's a decision you'll
19 have to make. If you're not in the 140 in
20 phase two, the line is in front of your
21 house, you can -- you can pay Michigan City
22 Water Utility to cap the main, run a line
23 through your property line, set up a box,
24 and then hire a plumber to run it into your
25 house. That is an option, they would love

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1 to have you as a customer, so you'll have to
2 make that decision.

3 MS. MARSCHKE: And is there any kind of,
4 like, a high/low figure on this?
5 MR. THEISEN: Yeah, I would hate to
6 estimate, but I have cards up here from
7 Randy Russell who was at this afternoon's
8 meeting. Randy is the superintendent of
9 Michigan City Water. If you take one of
10 these cards, you can call Randy and he can
11 give you can some ballpark figures.
12 MS. MARSCHKE: Excellent. Thank you.
13 MS. POPE: Number 27, Sam -- is it
14 Geeldar?
15 MR. GEELDAR: Pass.
16 MS. POPE: Pass, okay. Tom Brand.
17 MR. BRAND: Here (indicating), thank
18 you. I'm Tom Brand, I live on Illinois
19 Street in the Pines. And I have the letter
20 in front of me, and I would like to know
21 some more specifics about whether or not
22 I'll be connected to water. It says that
23 I'm -- "You'll be hooking up approximately a
24 hundred and thirty residences." I'd like to
25 know what that means, "hooked up"? Would

0023

1 that be up to my house?
2 MR. DREXLER: Everybody on Illinois is
3 being connected.
4 MR. BRAND: To my house?
5 MR. DREXLER: Into the meter.
6 MR. THEISEN: It will run in your house,
7 yes.
8 MR. BRAND: Oh, I see.
9 MR. THEISEN: The only thing you'll have
10 to pay, there is a hundred dollar refundable
11 fee that Michigan City Water Utility
12 charges. After two years, if you're a good
13 customer, you get your 100 bucks back. And
14 then they charge a \$15 turn-on fee that you
15 have to pay. And, of course, your normal
16 water bill.
17 MR. BRAND: All right. Thank you.
18 MS. POPE: Grant Ireland.
19 MR. IRELAND: I'm Grant Ireland from
20 Beverly Shores, and the decision that was
21 made on April 5th, I believe --
22 MR. DREXLER: Yes.
23 MR. IRELAND: -- to these two orders,
24 I'd like to know specifically what prompted
25 those orders? In other words, what agents,

0024

1 what components, were at or above the RA
2 level, maybe that's not published, but I'd
3 like to hear it from you tonight -- that --
4 that brought you to this point where you're
5 providing municipal water to another 140
6 homes. So, I'd like a little more
7 specifics. Is it boron? What are the

8 agents that are involved that are at or
9 above the RA level that prompted that
10 decision, which is obviously a agreed
11 decision that was made?

12 MR. DREXLER: It was predominately
13 boron, and some molybdenum. But
14 predominately boron, yes.

15 MR. IRELAND: Predominately boron. And
16 you mentioned earlier that your remedial
17 study is going to look further into the
18 water patterns, and that you know that the
19 water is flowing north to the lake. But I'm
20 interested to know what other water
21 patterns, what flow patterns that you may
22 have already discovered that might be other
23 than to the lake?

24 MR. DREXLER: Well, we've got -- we've
25 got some large regional studies right now,

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1 and we've got some small confined studies.
2 But we don't have anything that ties this
3 whole area together. And that -- that
4 really, you know, obviously, one of the --
5 one of the larger reasons we're doing this
6 study. And if you look at the map on the
7 wall, it shows that -- that red line that's
8 essentially surrounding the Town of Pines
9 itself down into the township to the south.
10 That's what is referred to in the order as
11 "the site". And so, what is going to be
12 studied will be any contaminants within the
13 site, or emanating from the site. So that's
14 going to include not only the area within
15 that circle, but also any area affected by
16 contaminants within that circle. And
17 that's -- that's why, obviously, as I
18 mentioned before, our -- our concern for
19 potential ecological damage will take us to
20 the Dunes National Lakeshore and other
21 areas.

22 MR. IRELAND: All right. Well, one --
23 one final point, and then I'll sit down,
24 because there's plenty others, and is
25 certainly aware of the concerns that the

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1 residents of Beverly Shores have, not only
2 for our -- our sister community here at the
3 Pines, but for our community as well.
4 Because we're -- we're already on record as
5 having issues with high levels of boron,
6 which are still in the investigation stage,
7 but we have some homes that are on bottled
8 water at this point. And I know the EPA is
9 involved in their study there.

10 But I want to make sure it goes on
11 record tonight, that we are very concerned
12 as a community about our boron issues, as

13 well as others, and are looking forward to
14 an expeditious report on what's happening in
15 Beverly Shores, either vis-a-vis being the
16 problems that have affected our sister
17 community here in the Town of Pines, or
18 other sources. Thank you.

19 MS. POPE: Paul Kysel.

20 MR. KYSEL: Close enough. My name is
21 Paul Kysel, I live in Pines Township on 500
22 East, which is just down the road from Pines
23 Elementary School, across from the Michigan
24 City Mosque. I wanted to thank the Pines
25 Group, and I don't want to take up too much

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1 time with the thanks. I actually want to
2 thank the EPA. And actually, I'm impressed
3 that NIPSCO is here. I'm sure to some
4 extent they probably thought they were
5 disposing of their waste in a correct manner
6 when they were. But, we recently
7 participated in the voluntary water testing
8 that was initiated by the Pines Group and
9 came back with higher levels ourselves, 400
10 parts per billion for boron, when 900 is the
11 action level; 16 parts per billion for
12 molybdenum, when 10 is the action level.

13 And so, we certainly want to start
14 receiving bottled water, and we want to find
15 out how and when we go about obtaining that?
16 And want to know how and when if the action
17 or the site, as you just described it, is
18 that large? Obviously, there are a lot more
19 than 30 homes here that are currently being
20 excluded, certainly 30 in the Town of Pines.
21 But when you take in the Township, which we
22 are a member of, and there are a lot more
23 homes being excluded than just 30 in the
24 current endeavors, I'm curious to know, is
25 water being taken or a conceived plan to

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1 Pines Elementary School because of
2 contaminants found there?

3 And then I'd like to know some health
4 issues regarding use of contaminated water.
5 As I've described, our water, being for
6 bathing purposes. I understand that some of
7 these chemicals may be transdermal. And
8 therefore can enter the blood stream through
9 bathing. We have a hot tub, we sit out and
10 soak in the hot tub. And last night I said
11 to my wife, "Is this smart of us to do, and
12 breathing the vapors coming off the hot
13 tub?" Maybe not. As far as the human
14 health and ecological risk assessment that
15 you mentioned, is that when you'll start
16 looking at disease clustering?

17 Because I understand that there are

18 prevalent disease issues on some of the
19 roads that are affected with -- with
20 contaminated water, and I let others ask.
21 Ultimately, you know, the greatest fresh
22 water, watershed we have in the world, is
23 the Great Lakes, and it's obviously, any
24 remediation you've got planned, or conceived
25 have to take into account, protecting not

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1 only Beverly Shores, but these contaminants
2 can get into the Great Lakes, which puts
3 everyone at risk, which puts everyone at
4 risk that is currently getting city water
5 from Michigan City, because it hurts the
6 Great Lakes, it's not too far from the
7 intake from Michigan City.

8 MR. DREXLER: Well, I'll -- I'll start.
9 The first question regarding the grade
10 school, we are providing the grade school
11 with bottled water as of this week as a
12 precaution.

13 MS. KYSEL: But what about their
14 neighbors, like ourselves with toxic water
15 levels --

16 MR. KYSEL: With higher levels?

17 MS. KYSEL: We're higher than the
18 school, and we don't get bottled water.

19 MR. DREXLER: Right now we -- we don't
20 have that data. But we are going to be
21 receiving it from the Pines Group, and we
22 will be responding. Mark, do you want to
23 handle some of these health questions?

24 MR. JOHNSON: You had a question about
25 dermal absorption. In cases where people

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1 may be provided bottled water which protects
2 them from ingestion of contaminated water,
3 what would happen if you were still using
4 that well water then for bathing or other
5 uses? These metals, these minerals are
6 naturally occurring in general. They do not
7 absorb well through the skin. They're not
8 organic chemicals that would absorb through
9 the skin readily. So, therefore, we would
10 not be concerned about using the water, the
11 well water for other purposes, other than
12 using it for drinking water.

13 The other issue you mentioned was about
14 an aerosol in a hot tub, I guess. Again, it
15 was a particulate that could be inhaled and
16 then penetrate deep into the water, that
17 would be a concern. And aqueous or water
18 vapor aerosol, would not penetrate deep into
19 the water. I would not be concerned about
20 that being a significant source of exposure.

21 MS. POPE: Rich Heusson.

22 MR. HEUSSON: What I don't understand

23 is, like, why the three-year test? You
24 know, why can't we get water during that
25 three-year test if we give you access to our

0031

1 wells for your testing purposes? There are
2 several devices, you know, inexpensive
3 devices that you use to block out wells, you
4 know. Will you be protected if you go down
5 the road from anybody, you know, using that
6 water?

7 MR. DREXLER: I'm sorry, what was the --

8 MR. HEUSSON: Well, you know, what I'm
9 saying, if the rest of the Town of Pines
10 should receive water during this test, you
11 know, be piped in, and you're saying that
12 we're going to have to wait three years for
13 this test. I'm saying, you can give us city
14 water now if we let you still have access to
15 our wells for your tests.

16 MR. DREXLER: Well, our first task
17 was -- was to -- to assure that we -- we
18 reduced the risk, you know, that was -- that
19 was the removal program task. And by the
20 provision of -- of city water there is in
21 bottled water areas, we've accomplished
22 that. And now, though, the process is
23 different. Because in order -- in order for
24 additional work, we -- we have to go through
25 a process -- a process of law. And that is

0032

1 to determine, in order to come up with a --
2 with a more permanent solution, ordinarily,
3 the way these work, everybody is put on --
4 on bottled water that is over removal action
5 level. And you know that's -- that's it
6 until we come up with a permanent solution,
7 which might be city water. You know, if --
8 if it looks like, you know, that -- that
9 there is a need for that as a permanent
10 solution.

11 MR. HEUSSON: Well, doesn't the --

12 MR. DREXLER: So, what's happening here
13 is -- is that -- that we've -- there's been
14 the provision of city water to -- to a
15 number of people up front. But really, our
16 goal in this stage of the process was to
17 make sure that there is a reduction of risk.
18 And that's either through, you know, the
19 City water service or bottled water, pending
20 these additional studies, which will --
21 which will give us the information we need
22 to make that sort of final, more permanent
23 determination of -- of, Do more people need
24 to be put on city water, you know, is there
25 additional work?

0033

1 MR. HEUSSON: But we know that, don't

2 we? I mean, --
3 MR. DREXLER: No.
4 MR. HEUSSON: -- like Ardondale, and
5 that area is above removal levels, --
6 MR. DREXLER: There are some areas that
7 are above removal levels.
8 MR. HEUSSON: -- Above removals --
9 MR. DREXLER: And so, obviously, those
10 people would at least be put on bottled
11 water pending the results of -- of the -- of
12 the additional study.
13 MR. HEUSSON: Well, then could you do
14 your test if we had city water installed,
15 you know, like out in the Pines School and
16 that, on Ardondale, could you still perform
17 your test if engaging access to our wells --
18 MR. DREXLER: Sure.
19 MR. HEUSSON: -- this three-year study
20 that you already -- Well, don't you think we
21 would all be at risk then?
22 MR. THEISEN: Excuse me. The study just
23 doesn't involve staff and residential wells,
24 the study is going to involve sampling the
25 Indiana Dunes wetland. Sampling is going to

0034

1 involve taking air samples. Sampling is
2 going to involve taking surface water
3 samples. The study sampling is a very, very
4 detailed, very comprehensive, that is much,
5 much more than sampling your residential
6 wells.

7 MR. HEUSSON: Right. Well, that's why I
8 don't understand why you just don't give us
9 the water then?

10 MR. THEISEN: Well, it isn't a matter of
11 us giving you anything, it's a negotiated
12 process between the EPA and the responsible
13 parties. I mean, the only thing we're
14 talking about here is millions of dollars,
15 that --

16 MR. HEUSSON: Like an onset, you know,
17 he spent \$270 million on, you know,
18 pollution control. You're talking just a
19 small portion of that, a couple million;
20 right?

21 MR. THEISEN: Yeah, I think part of the
22 problem, and I don't want to steal Tim's
23 numbers, the further you get away from Yard
24 520, the less and less agreeable the
25 responsible parties are to accept

0035

1 responsibility. You're getting -- You're
2 going against direction of groundwater flow.
3 Unless we can prove there's areas that goes
4 by that dump, they're not willing to accept
5 that responsibility when we get a mile or a
6 half a mile away from Yard 520. Even on the

7 railroad, we're not providing municipal
8 water there to start with. And that's why
9 across the road from the dump, but it's
10 opposite direction of groundwater flow.
11 MR. HEUSSON: Is Waste Management --
12 MR. THEISEN: Waste Management is
13 involved in these other dumps that you're
14 aware of?
15 MR. DREXLER: Waste Management is an
16 owner of one of them, yes.
17 MR. HEUSSON: You know, really, I don't
18 see why you just can't, you know, have
19 another contractor come in, you know, the
20 EPA, because --
21 MR. DREXLER: Well, again -- again, we
22 have to use -- we have to use a process of
23 law, you know, which is -- which is that we
24 cannot -- we cannot order, you know, the
25 responsible parties to do something until --

0036

1 until we've got -- until we've got a
2 level -- a level of evidence.
3 MR. HEUSSON: Right. Well, there is
4 evidence there, but it's obviously not
5 enough; right? Okay. Thank you.
6 MS. POPE: Thank you for your comment.
7 Mike Steward.
8 MR. STEWARD: Pretty much the same thing
9 as him. Except, my levels are a lot higher.
10 And then basically, I was wondering if
11 you're starting to walk on responsibility as
12 you go to the south, is that pretty much the
13 argument?
14 MR. THEISEN: It's not a high level
15 case.
16 MR. DREXLER: We just -- we just have
17 established that. I mean, you know, one of
18 the issues in this area is that -- is that
19 there are some -- that these metals are also
20 naturally occurring. And -- and a -- and
21 based upon some U.S. Geological Survey
22 studies, there are some wells in the area
23 that have a higher molybdenum value than
24 some of the readings that we're getting
25 from, like, for instance, the grade school.

0037

1 And so, one of -- one of our things that we
2 have to determine pretty -- pretty early on
3 is -- is -- is to get some idea of manmade
4 versus -- versus that are naturally
5 occurring, metals.
6 MR. STEWARD: Has there been a number to
7 come up with what would be a high end of a
8 natural occurrence for the molybdenum?
9 MR. DREXLER: The highs we've gotten
10 from molybdenum is, I think, about 22.
11 MR. STEWARD: Well, how about 40 in a

12 residential well, should I be drinking that
13 shit?
14 MR. THEISEN: That's not our sample. I
15 believe that's Pines's sample, I believe.
16 MR. STEWARD: That's the -- Yes, but I
17 was told that, based on this, the EPA might
18 want to take a look at this and do a test.
19 MR. DREXLER: Well, again, we are
20 looking forward to getting that information
21 from Pines.
22 MS. MURRAY: Cathy Murray, --
23 MS. POPE: Excuse me.
24 MS. MURRAY: I just -- I need to just
25 say something from the Pines Group. We have

0038

1 forwarded all the tests that have high
2 levels to you. You don't have every single
3 one, but we made sure to forward all the
4 ones with 1,200, 2,200, all the high numbers
5 to you.
6 MR. DREXLER: Cathy, that --
7 MS. MURRAY: Jan sent those to you.
8 MR. DREXLER: I know, but --
9 MS. MURRAY: So, you are aware of those.
10 MR. DREXLER: -- it was a file we
11 couldn't read. And so I did send a note
12 back to Jan to send to me in a different
13 format. And she is going to be getting
14 that.
15 MS. MURRAY: But what you're saying
16 makes it sounds like we have not sent --
17 MR. DREXLER: Yeah, and I'm sorry, I
18 didn't --
19 MS. MURRAY: Okay.
20 MR. DREXLER: -- I didn't mean to make
21 that impression. But we are -- we are
22 trying to get that information, and if the
23 Pines wants to give that, then we are going
24 to be getting it.
25 MR. STEWARD: Then with 1,100 boron and

0039

1 40 on the moly then in the area, did you
2 also just say that in the 20s is probably a
3 high end of a natural occurrence; is that
4 true? I don't know.
5 MR. DREXLER: You know, offhand, yeah,
6 that's the number that I'm thinking of, I
7 think it's in the neighborhood of about 23
8 naturally.
9 MR. STEWARD: So, 40 would be normal if
10 that's true, 40 would indicate manmade,
11 mancaused?
12 MR. THEISEN: Possibly. There is only
13 one way to determine whether it's manmade
14 versus God made. We are doing a study in
15 Beverly Shores to try to tell what the
16 source of the boron contamination is, it --

17 MR. STEWARD: Not in moly though.
18 MR. THEISEN: Same thing, they're both
19 together.
20 MR. STEWARD: Oh.
21 MR. THEISEN: And if you have high moly,
22 we're going to do a sample of your Pines
23 School; we're going to work that in with the
24 Beverly Shores project. So, hopefully,
25 we'll have a reading from the experts in
0040 groundwater. Whether the Beverly -- the
1 Pines School is naturally occurring or not.
2 And for values like you were, that are
3 higher, we will be looking into it.
4 MR. STEWARD: But don't drink the water?
5 MR. JOHNSON: If I can comment about the
6 molybdenum, I think you're -- it's sort of
7 misleading. The EPA's removal action level
8 of 10, is extremely conservative. Our -- As
9 a public health agency, we view that as not
10 the point which you should be concerned
11 about health effects. We would use a
12 screening level quite a bit higher, we would
13 not be concerned at all about levels until
14 they exceeded 50. And so, given with the
15 information provided to us, I would not be
16 concerned about using that water based on
17 the molybdenum or manganese.
18 The other point I wanted to make is
19 that, all of these minerals -- these
20 minerals are natur- --
21 MR. STEWARD: Excuse me.
22 MR. JOHNSON: Yes.
23 MR. STEWARD: What's the diff- -- What
24 did you call the one level in this? If this
0041 two, this is called an action level, what's
1 the difference in levels?
2 MR. JOHNSON: Okay. There is probably
3 some confusion because different agencies
4 use different criteria. Ken is bound by
5 these removal action levels for him to make
6 decisions. They are extremely conservative
7 in this case. We're trying to address the
8 concern about health effects that people may
9 have if those levels are exceeded. And we
10 want to make a point that just because it's
11 greater than that action level, it does not
12 mean it will cause disease, where people
13 would become sick because of that exposure.
14 There is a great deal of safety that can
15 go into that, well below levels that would
16 cause any adverse health effects. The other
17 point is that molybdenum is present in your
18 food. You take in about 200 micrograms of
19 molybdenum each day, --
20 MR. STEWARD: It's in the organs, meat
21

22 and --
23 MR. JOHNSON: Yes. And the levels that
24 you have in your well, which are less, are
25 about one-fifth of what you would take in
0042
1 from all other sources. So, it doesn't
2 really contribute to your overall exposure
3 to that particular mineral. So, I want to
4 make that clear, that in some type of a
5 content.
6 MR. DREXLER: And to elaborate a little
7 bit more, I mean, in the letters that --
8 that we have been sending to people that
9 have exceeded our -- over our ten part per
10 billion, we've added a couple of sentences
11 to that letter to say that that these are
12 values that the EPA is currently reviewing,
13 that actually the agency doesn't any longer
14 support that ten parts per data.
15 MR. STEWARD: Okay. I understand that.
16 I just -- So, there is different guidelines
17 for actions, and different guidelines for
18 warnings, basically. Like, I mean, that's
19 what you're saying pretty much?
20 MR. DREXLER: That right now, as far
21 as -- as far as molybdenum goes, there is
22 a -- there is a discrepancy that we're --
23 that the agencies are working on now.
24 MR. STEWARD: That's all. Okay. Thank
25 you.
0043
1 MS. POPE: Thank you. Phyllis DaMota.
2 MS. DaMOTA: I pass, thank you.
3 MS. POPE: Pass. Bonnie, is that Losso?
4 MS. ZOSSO: Zosso.
5 MS. POPE: That's a "Z", okay.
6 MS. ZOSSO: I think I'm one of the
7 houses that is not going to be served with
8 this. I live on the southwest corner of
9 Pine and Birch, is that one of the 38 houses
10 that is not getting service?
11 MR. DREXLER: You're on Birch?
12 MS. ZOSSO: Yes, I'm Pine -- I'm Pine
13 Street, 3112 West Pine.
14 MR. DREXLER: You're right on the
15 corner?
16 MS. ZOSSO: Yeah, southwest corner --
17 MR. DREXLER: You're included.
18 MS. ZOSSO: -- of Pine and Birch?
19 MS. DREXLER: Yeah.
20 (General laughter.)
21 MS. ZOSSO: Absolutely?
22 MR. THEISEN: The map up on the wall
23 that you can look at later, it has different
24 colors on it. There's a -- there's a grey
25 color, which is the property that we did
0044

1 last year. There's a blue color, which is
2 going to be done this year, and then there
3 is a purple color, which runs down Ardondale
4 and Old Chicago, that's the area that we're
5 going to be providing bottled water to and
6 wait on the outcome of the study.

7 Basically, the people that will be on
8 water at the end of the project will be
9 everybody from County Line Road to, I think,
10 it's Ash Street, from 12 to 20, so you will
11 be included.

12 MS. ZOSSO: Now, I'm between Poplar and
13 Birch, I will be included?

14 MR. DREXLER: Yes. Well, to be sure we
15 need to look at the map, I thought you just
16 said you were on Birch at Willowbrook and --

17 MS. ZOSSO: No, I'm on Pine Street, --

18 MR. DREXLER: Right.

19 MS. ZOSSO: -- I'm between Pine and
20 Birch.

21 MR. THEISEN: Yes, ma'am, you should be
22 included, Poplar is the end.

23 MS. ZOSSO: Okay.

24 MR. DREXLER: We'll look at a map,
25 before you, like, go out and have a beer

0045

1 tonight, (general laughter), let's -- let's
2 check the map.

3 MS. ZOSSO: Thank you, Pines Group --

4 MS. POPE: Jan Nona.

5 MS. ZOSSO: -- very much, all of you
6 guys.

7 MS. NONA: Other than the people that
8 Jan mentioned, being a part of the Pines
9 Group, we also have a few other who deserve
10 very much to be recognized. We have Phyllis
11 DaMota, we have Jennifer and Dave Kasarta,
12 we have Debbie Loyd, and Marty Fox. They
13 all contributed a lot to our efforts, but
14 they're no longer with us. My other subject
15 is something I discussed earlier, and that
16 is: The fly ash is going to end up on all
17 the streets. I've asked Ken to be sure to
18 ask the construction people to minimize
19 this. But if any of you residents see any
20 of this stuff laying around for more than
21 one or two days max, please call the EPA and
22 ask them to get the construction people to
23 remove, we do not need it being carried
24 around the town anymore than it already is.
25 Thank you.

0046

1 MS. POPE: Thank you. Janet Durnal.

2 MS. DURNAL: I live on Central Avenue.

3 Would that be -- Is that in there?

4 MR. DREXLER: Yes.

5 MS. DURNAL: Okay. Now, my second

6 question is --
7 MR. DREXLER: Could you speak into the
8 microphone, please.
9 MS. DURNAL -- Central Ave will be
10 getting water?
11 MR. DREXLER: Yes.
12 MS. DURNAL: Thank you, Jesus. (General
13 laughter.) Second question, why did you
14 eliminate those 38 homes? It's only 38, it
15 sounds like a very small amount, why were
16 they eliminated?
17 MR. DREXLER: It was based upon the
18 negotiations that we had. Based upon the
19 science that we have. The information we
20 had on groundwater flow in the area. The
21 location of hits in the town itself. At
22 some point in time in negotiations, you have
23 to draw a circle. And it's based on the
24 best information you have at the time.
25 MS. POPE: Lena Crakes.
0047
1 MS. CRAKES: Well, you mentioned
2 Ardondale, and that got my attention because
3 I'm on Ardondale. And I'm not sure if I'm
4 included or not.
5 MR. DREXLER: Are you north of 20?
6 MS. CRAKES: I'm north of 20.
7 MR. DREXLER: Then you're included.
8 MS. CRAKES: And also, when will bottled
9 water start?
10 MR. THEISEN: Within a relatively short
11 time, I'm talking days, or maybe a week at
12 the most. The responsible parties are aware
13 of your commitment to provide bottled water.
14 And I will get the 100 percent decided yet,
15 whether to do a knocking on your door,
16 putting a flyer in your mailbox, or doing a
17 mailing, or exactly what. But it will be
18 happening very soon, and I'll make sure of
19 that.
20 MS. CRAKES: Okay. My other question is
21 something the lady talked about, fly ash.
22 Once we all get our water, and we're happy
23 with our drinking water, but because it is
24 on the streets, is there a danger there to
25 anyone?
0048
1 MR. DREXLER: That's -- that's part of
2 our investigation. We're looking -- Yeah,
3 we're looking at, not only the exposure from
4 groundwater, but we're also looking at
5 contact with the soil, that is part of the
6 study.
7 MS. CRAKES: Thank you.
8 MS. POPE: Mark Kreighbaum.
9 MR. KREIGHBAUM: Pass.
10 MS. POPE: Peggy Richards (sic).

11 MS. RICHARDSON: Hi, my name is Peggy
12 Richardson, and I am chairman of the Pines
13 Township Board. For 25 years, many
14 residents south of Route 12 have been tested
15 and known for high levels of contamination.
16 These contaminants include chromium, boron,
17 manganese, and molybdenum. These particular
18 contaminants are all connected with fly ash
19 from NIPSCO. We have recently been
20 discovering roads and private property that
21 have contained fly ash.

22 All the government agencies that have
23 access to this information, including the
24 Porter County Board of Health Department,
25 the Indiana Department of Environmental

0049

1 Management, and the EPA, just ignored this.
2 This is why we are in so much trouble today.

3 I was going through some papers from the
4 Board of Health, in November 14th of 1986,
5 there was two homeowners south of Route 20
6 who have high levels of chromium, action
7 level I think it was five, one had eight and
8 one had ten. A letter was wrote by a
9 Charlotte Read of Save the Dunes Council.
10 She said residents in the town -- in the
11 Pines and Pines Township, whose wells were
12 included in our testing program, have
13 continued to experience levels of
14 contamination. One likely source of this
15 problem is Yard 520 site. The entire
16 community in this vicinity is on domestic
17 wells.

18 MR. DREXLER: What's the date?

19 MS. RICHARDSON: This was -- This letter
20 was wrote February 9th, 1987. This is --
21 It's actually from IDEM dated 6/3/87.
22 "There are currently great concern regarding
23 groundwater pollution in the area. Some
24 residential wells have been sampled, and
25 chromium has been detected in the levels

0050

1 above the drinking water standard. It has
2 been suggested that Yard 520 is contributing
3 to this contamination."

4 So, what I'm saying, what I've read is
5 that NIPSCO and Brown do not want to give
6 the people south of Yard 520 water, because
7 they feel that contamination is coming from
8 the other two landfills. Well, this proves
9 that we are getting something off your 520.
10 If we got chromium 20 years ago, we're
11 getting boron and molybdenum now.

12 Okay. The study was suspected the
13 responsible parties paying the developers
14 for additional testing, and providing
15 bottled water for up to three to four years,

16 why not just supply these approximately 70
17 homes, between 18 and 25 percent, of which
18 are contaminated with safe drinking water
19 for bathing -- cooking and bathing, excuse
20 me. These numbers do not include the
21 school, and we've all read and heard about
22 that situation. Would anyone -- any one of
23 you sitting there drink or bathe in my
24 water?

25 In one of the previous EPA meetings, it
0051

1 safely was made that there is a no current
2 responsible party. The EPA would pay for
3 safe water to be supplied, and then collect
4 from the responsible party when was found,
5 why can't you do that? Do you have any idea
6 how stressful that, not knowing, is to our
7 residents? Do you care?

8 November 24th, 2003, I received a copy
9 of my test results from the United States
10 Environmental Protection Agency, which shows
11 that my boron is 1,950. In this letter,
12 they were going to take it and ask the
13 responsible parties to include my area in
14 municipal water. I want to know who dropped
15 the ball on this? Who dropped the ball on
16 getting our area with municipal water?

17 In closing, the residents south of Route
18 20 do not want to be lab rats in your
19 continuing studies. Thank you.

20 (Applause.)

21 MS. POPE: Tamara Davis.

22 UNIDENTIFIED SPEAKER: Can we have some
23 response to some of those questions that
24 were --

25 MS. POPE: Well, I didn't know -- I

0052

1 didn't know if it was a comment. I was
2 trying to -- I mean, what was your question?

3 UNIDENTIFIED SPEAKER: Do you have a
4 response? Do you have a response to it?

5 UNIDENTIFIED SPEAKER: (Inaudible.)

6 MS. RICHARDSON: Will they be getting
7 water?

8 MS. POPE: First of all, excuse me. The
9 bathing in the water issue was already
10 addressed, and we can address it again.
11 But, --

12 UNIDENTIFIED SPEAKER: Well, I --

13 MS. POPE: If you're going to get up --

14 MS. RICHARDSON: Can you answer me
15 when --

16 MS. POPE: -- this is a
17 question-and-answering period. So, you just
18 ask your question, then they can deal with
19 it. But if you're going to get up and
20 you're going to read four pages of comments

21 and statements, I don't think that's fair, I
22 really don't.

23 UNIDENTIFIED SPEAKER: Well, there's an
24 article that --

25 MS. POPE: But I think if -- if you get

0053

1 up at this point --

2 UNIDENTIFIED SPEAKER: (Inaudible.)

3 MS. POPE: -- and you ask your
4 questions, that's what you should do --

5 UNIDENTIFIED SPEAKER: (Inaudible
6 shouting.)

7 MS. POPE: First of all, sir, and I'm
8 just going to be fair, first of all, EPA,
9 we just got on this a few years ago. We
10 can't go back, 10, we don't know.

11 MS. RICHARDSON: The thing of it is --

12 MS. POPE: So, what we're doing, is
13 we're trying to deal with the issue we have
14 at hand --

15 MS. MURRAY: (Inaudible.)

16 MS. POPE: -- so -- so that's what we're
17 trying to deal with this at this point.

18 MS. MURRAY: That was 20 years ago.

19 MS. POPE: So, what I'm asking you, Ms.
20 Murray is: To ask your question. Ms. --
21 Ms. Richardson, it's ask your question, and
22 the panel will be more than happy to answer.
23 Thank you.

24 MS. RICHARDSON: We -- We're getting
25 high levels of molybdenum, and you boil that

0054

1 water to cook with, is that safe? Is it
2 safe -- does it increase the contamination
3 level when you boil the water with high
4 levels of molybdenum?

5 MR. JOHNSON: Well, the only thing where
6 we can concentrate on whatever is in there.
7 So, it depends on how --

8 MS. RICHARDSON: So, this gentleman who
9 had 40, shouldn't be cooking with his 40
10 parts per billion of molybdenum in his
11 water. And what was -- what was your boron,
12 1,100. I think he's very highly
13 contaminated, regardless if they raise the
14 level to 50.

15 MR. JOHNSON: Again, this is really to
16 decide whether it's actual in order to
17 provide alternate water. I'm just trying to
18 make a point, though, that if there is a
19 concern about health affects, it's a
20 different screening process we go through,
21 and then we take their decisions.

22 MR. STEWARD: Are they going to come and
23 do some additional testing?

24 MR. DREXLER: Based on these results,
25 or . . .?

0055

1 MR. THEISEN: Yes, let me answer that.

2 MR. STEWARD: Excuse me for being out of
3 turn, I mean, . . .

4 MR. THEISEN: Jan, let's go ahead, let's
5 finish.

6 MS. POPE: No, was your question
7 answered, the question you just asked?

8 MS. RICHARDSON: Well, I was going to
9 ask about this. I mean, I get a letter
10 saying you're going to ask the responsible
11 party to include my area in municipal water,
12 because I do have, as far as I'm concerned,
13 emergency nature of contamination. The
14 contamination has been out there 25 years.
15 Granted, maybe the hands and EPA and IDEM
16 has changed over 25 years, but the
17 documentation has always been there. Always
18 been there. All you have to do is read it.
19 There is no reason why the people south of
20 the town should be eliminated from getting
21 clean water to drink. We need a permanent
22 solution to this problem, but we need it
23 now, not in three or four years.

24 MR. DREXLER: We can only follow the
25 process, that's the law.

0056

1 MS. RICHARDSON: But it sounds like
2 you're giving the responsible parties the
3 option on what they're going to do when you
4 are there to protect me, not to protect
5 them.

6 (Applause.)

7 MR. DREXLER: The process as it is
8 written in law, is that -- is that -- is
9 that we will gather the information
10 necessary to make a final determination. We
11 cannot make a final determination.

12 MS. RICHARDSON: It just seems like the
13 law can be bent any other time, why can't
14 the law be bent now? Everyone -- everybody,
15 the politicians can bend the law to fit
16 their needs, we need you to bend the law to
17 fit our needs. We need clean, healthy
18 drinking water now, not in three or four
19 years. You would not want to have to deal
20 with what we're dealing with. You don't
21 want to have to every time you go to the
22 sink and peal potatoes, remember, don't turn
23 that faucet on, you have to get a separate
24 bowl of water to wash my vegetables in. I
25 have to go in -- go in the bathroom and get

0057

1 in my shower, oh, I forgot my cup, go get my
2 cup of water, come in so I can brush my
3 teeth.

4 I don't want to do that for three or

5 four years. I don't want to brush my teeth
6 out of a cup for three or four years, or
7 make sure I don't forget to wash my
8 vegetables in clean water instead of turning
9 on the tap. We have that right to have
10 clean water. And there is no reason why you
11 can't pay for it, they can't pay for it. I
12 have proved that some of the contaminants
13 that's coming off of Yard 520, give us
14 water, do your studies, then find the
15 responsible parties and get your money. But
16 why should we suffer while you do the study?
17 (Applause.)

18 MS. RICHARDSON: Thank you.

19 MR. DREXLER: We're limited by the
20 process.

21 MS. POPE: Tamara Davis.

22 MS. DAVIS: My name is Tamara Davis, and
23 I also have some statements as opposed to
24 questions. Just please bare with me. One
25 of the issues that I really have a big

0058

1 problem with in this room, is the fact that
2 we're being separated. We're the town, and
3 we're the township, we are one community,
4 one township, one entire area, the railroad
5 tracks in Route 20 do not serve as a barrier
6 or boundary, and certainly do not stop that
7 contamination from spreading through our
8 soil and groundwater.

9 Mr. Drexler stated that our area will be
10 treated as a whole. Give the whole area
11 municipal water now instead of leaving us
12 unprotected. The last time that I checked,
13 the EPA stands for Environmental Protection
14 Agency. Please protect our environment and
15 make it safe for us. We're paying you to do
16 so with our tax dollars and our health. The
17 responsible parties may not be refusing to
18 pay, we understand that by providing bottled
19 water and things, but everyone is being way
20 too accommodating in being proper regarding
21 procedures, protocol, timelines and
22 pleasantries. When your health isn't at
23 stake, I guess you can afford to be this
24 way.

25 The responsible parties can cause the

0059

1 situation, they've made their millions, they
2 put us at risk, and prolong with the long
3 negotiations and subjects that will just go
4 away or die out from the contamination. We,
5 as residents, did not negotiate our
6 receiving contaminated water in our homes,
7 the contaminated soil in our yards, but we
8 got it anyway. This causes much added
9 stress and mental anguish. Scientific

10 studies prove that stress can kill. Yes, we
11 are stressed.

12 So, with the combination of metals,
13 additional dangers, contaminants, and
14 additional stresses surrounding our
15 situation, we don't stand a chance. I mean,
16 do you guys feel like you stand a chance
17 here? I don't. There are so many
18 considerations being made for the
19 responsible parties. None were made for our
20 health and our well being, nor that our
21 children, our pets, our water life, or our
22 property values.

23 I don't know how many of you are aware
24 of the fact that if you now have an
25 appraisal done, as we had to do in 2002, in

0060

1 fact, it was the second one we had to have
2 done in two years, that the person doing the
3 appraisal will tell you that they are aware
4 of this being a contaminated area, and that
5 must be disclosed on your appraisal. Okay.
6 Anyone that is a potential buyer, as soon as
7 they hear the word "Pines", whether it's in
8 the form of Town Pines, Pines Township, that
9 throws up a red flag, and they say, No,
10 thank you, you know, we're going to go
11 elsewhere. That's totally understandable,
12 we wish we could do that, but we can't, we
13 are stuck.

14 Another bad situation is the fact that
15 our property taxes are based on the
16 assessments that are made for, you know, the
17 value, what the value that should be
18 anyplace else in this country. But because
19 our water is bad, we are also paying an
20 elevated level for our property taxes on all
21 our property that there's no way we will
22 ever recoup that money. So, we're paying
23 financially and with our health.

24 The area in question is also a natural
25 wetlands area, it's also home to many

0061

1 different species of wildlife, contamination
2 affects the fish, birds, and all the animals
3 that are unfortunate enough to inhabit this
4 area. Yard 520 is fully fly ash that was
5 supplied by NIPSCO.

6 There is many of us here that hunt and
7 fish and/or plant gardens, we cannot be
8 assured that our food that we have caught
9 and grown in our community, whether in
10 local, ponds, woods, Lake Michigan, or our
11 own backyards is safe for us and our
12 families to consume. Many of us use these
13 activities for recreation, as well as to
14 provide food for our tables. And I got to

15 tell you, it's very sad to see animals that
16 are sick and diseased and realize that man
17 probably had a hand in it.

18 MS. KYSEL: So, is it safe to eat the
19 food out of our gardens?

20 THE COURT REPORTER: Can I have your
21 name, please?

22 MS. KYSEL: Christine Kysel.

23 MR. DREXLER: The -- the question
24 about -- about whether or not the vegetables
25 grown in your garden would be safe, again,

0062

1 there is very little to my knowledge in
2 terms of characterization of the surface
3 soil in residential yards for us to know how
4 to answer that question. If there has been
5 sampling in your yards to review that
6 information, and then provide an opinion.
7 Without that, it's hard for us to tell.

8 MS. DAVIS: Can I give you -- respond to
9 that.

10 MR. DREXLER: Sure.

11 MS. DAVIS: Okay. I've been out here
12 for several years, each year we plant a
13 large garden and I process everything
14 myself. Last year especially, we were
15 experiencing the droust conditions. When I
16 picked -- when I went out to, you know,
17 check everything out as the growing process
18 was happening, the tomatoes looked great,
19 everything was looking really nice and
20 things, and then once the droust happened, we
21 had to start watering overhead, the water
22 that came from our well.

23 I began noticing what appeared to be oil
24 slicks, that's how I can describe 'em,
25 there's a rainbow effect of oil slick on my

0063

1 tomatoes and things. When I brought those
2 in, I could not wash it off, I could wash my
3 tomatoes, then I could peel them. When I
4 cooked or processed those vegetable to can,
5 I could actually smell a metallic odor. And
6 you can say I'm crazy, or whatever you want,
7 but I honestly detect a metallic odor. And
8 that was, you know, I wasn't even thinking
9 about this stuff. But it surely didn't
10 smell the way it had smelled before. And
11 that was only after we had done watering
12 from our well. So, that's definitely
13 another area that needs to be looked at.
14 Our soil has got to be contaminated if the
15 groundwater is. Thank you.

16 MS. POPE: Thank you.

17 (Applause.)

18 MS. POPE: Brian Wright.

19 MR. WRIGHT: Brian Wright, with the

20 Environmental Council. I had again, a
21 two-part question. Different questions this
22 time, though. I want to know, will the EPA
23 be looking specifically at whether the ash
24 used as roadbase and fill throughout the
25 town and township has contributed to the

0064

1 contamination? This is an important
2 question that has to be answered. Right
3 now, Indiana's policy is, the State cannot
4 regulate fly ash used as fill or roadbase.

5 MR. DREXLER: We -- we -- That is part
6 of the investigation, yes.

7 MR. WRIGHT: So, I kind of wanted to ask
8 the representative from NIPSCO here, is
9 NIPSCO still distributing out fly ash to be
10 used as fill in roadbase?

11 MR. BABCOCK: No.

12 UNIDENTIFIED SPEAKER: Where does it go?

13 MR. DREXLER: Well, they're typically
14 dumping it in boron line landfills, so . . .

15 MR. BABCOCK: Our fly ash is disposed of
16 in one -- Our fly ash is disposed of in one
17 of two ways, and I've already --

18 Environmental representative Dan Sullivan
19 here in the back, and could corroborate this
20 for me if I misspeak here. We contract with
21 a company called ISG Resources. And a
22 significant amount of fly ash is recycled,
23 as many industries do with the by-products
24 of their processing in the City. And it's
25 actually an environmental kind of issue to

0065

1 try to use the waste streams from different
2 properties. Fly ash is a good material for
3 the production of cement. And our fly ash
4 has been used in cement products that we had
5 marketed through with ISG resources.

6 Now, the other fly ash that is not
7 disposed of in that way, is disposed of in
8 properly regulated landfills. And we
9 operate one of those specifically down there
10 at Schaffer Generating Station. And let me
11 ask Dan; is that correct?

12 MR. BABCOCK: Yes. We looked, --

13 MR. WRIGHT: We looked at the
14 groundwater monitoring wells at Schaffer,
15 and there's sulfur that was coming off of
16 that, at least a few years ago, at levels in
17 the tens of thousands in parts per million.

18 MR. BABCOCK: We're operating within
19 state guidelines and regulation of that
20 landfill.

21 MR. WRIGHT: There's --

22 MR. DREXLER: And -- and -- and
23 there's -- there's -- there's an issue with
24 that. And we would be glad to have our

25 environmental department speak directly with
0066

1 your organization.

2 MR. WRIGHT: The other question I had to
3 ask, I want to know, the groundwater
4 monitoring records for the landfill, and
5 your reports submitted last year on the
6 investigation here at Pines included clearly
7 that contamination is coming off of Yard 520
8 landfill into the local groundwater and into
9 the ground ditch. Now, why is there no
10 action being taken currently to stop the
11 flow of contamination coming out of
12 landfill? That contamination is at levels
13 above drinking water standards for arsenic,
14 it is contamination that has clearly
15 contributed to a public hazard, which is in
16 violation of the Yard 520 permit. Why is no
17 action being taken currently to contain that
18 contamination?

19 MR. DREXLER: As -- as this
20 investigation goes forward, if -- if we come
21 up with information that we feel we got a
22 more immediate human health or ecological
23 risk, then -- then we will take the actions
24 we have to, either through the removal
25 program, or through the remedial program.

0067
1 MR. WRIGHT: So, there is no definite
2 promise that that ongoing contamination will
3 be stopped?

4 MR. DREXLER: Yeah -- yeah, I mean, what
5 I'm saying that is it -- is it -- if we see
6 an unacceptable risk, either to human health
7 or the environment in the investigation,
8 then -- then we will take the necessary
9 action. We -- we don't necessarily need
10 until -- need to wait until that whole
11 process is finished.

12 MR. WRIGHT: Okay. But you have
13 statistically rising levels of contamination
14 to the point where it has created a public
15 hazard now, extending back in records over
16 10 years. It's a little ensuring.

17 UNIDENTIFIED SPEAKER: Point five, and
18 that's not enough?

19 MR. DREXLER: We -- we haven't
20 established a downside to public health risk
21 from that -- from that -- from that surface
22 water discharge at this point.

23 UNIDENTIFIED SPEAKER: Well, what about
24 groundwater?

25 MR. DREXLER: Well, I mean, obviously,

0068
1 we're taking actions on the groundwater.

2 MR. WRIGHT: To remove people from their
3 wells, but is that contamination and a few

4 more drop off, and it would just be allowed
5 to continue to go into that?

6 MR. DREXLER: Well, again, I mean, these
7 are ans- -- these are all questions that --
8 that are to be addressed through the --
9 through the RFIS.

10 MS. POPE: Nancy Kolasa.

11 MS. KOLASA: My name is Nancy Kolasa,
12 I'm the Pines Township Trustees. I think
13 Peggy Richardson said it for everybody in
14 the room here tonight. You know, there's a
15 lot of frustration, and there is a lot of
16 rejoicing for those that are getting water.
17 But there's a large group of people that
18 aren't there, that aren't.

19 Since 1987, agencies have been aware of
20 the contamination in the groundwater. You
21 know, the residents have become victims of
22 someone dropping the ball. You know, maybe
23 it's none of you that are sitting there, but
24 they were victims, they're innocent victims.
25 That was over 17 years ago. Don't ask these

0069

1 people to be victims for another three years
2 while you study and test.

3 We know the contamination is there.
4 Just get them the clean water. Mr. Babcock,
5 please go back to your superiors and just
6 have a heart, be a good neighbor that you
7 claim you want to be. Just pipe the water
8 in to them, study the water later. That's
9 it. Thank you.

10 MS. POPE: Thank you.

11 (Applause.)

12 MS. POPE: Alfred Risner.

13 MR. RISNER: Pass.

14 MS. POPE: Kim, is it Boklund?

15 MS. BOKLUND: Pass.

16 MS. POPE: Ronnie Williams.

17 MS. WILLIAMS: Pass.

18 MS. POPE: Kevin Klemons.

19 MR. KLEMONS: Good evening, gentlemen.

20 My name is Kevin Klemons. And I live at
21 4150 West Pine Street. And according to the
22 yellow piece of paper we got in the mail the
23 other day, we are included in getting
24 bottled water until such testing is
25 completed. Am I Correct about that?

0070

1 MR. THEISEN: I believe so, yes.

2 MR. KLEMONS: Because we sit right up on
3 the hill.

4 MR. THEISEN: Right in front of Birch
5 Street?

6 MR. KLEMONS: Okay. So, we will be
7 getting bottled water until this testing is
8 all completed?

9 MR. THEISEN: You're between Birch and
10 Ash?
11 MR. KLEMONS: No, Birch and Pine.
12 MR. THEISEN: Okay. Yes, you should be
13 getting bottled water.
14 MR. KLEMONS: Fantastic. Second of all,
15 I have two children who go to the Pines
16 School, I'm glad that ya'll caught what's
17 going on in the Pine School. But my
18 children informed me that they were told
19 that they have to pay for their bottled
20 water; is that true? Why should my kids
21 have to pay? They're not -- This is what
22 was informed to us today from the teachers
23 of Pine School --
24 MR. DREXLER: No, that's not --
25 MR. KLEMONS: -- for the kids who use
0071 the bottled water, they must pay for it.
1 MR. DREXLER: No, that's not true.
2 MR. THEISEN: We met with the principal
3 today, Sally Roberts, and that's absolutely
4 false.
5 MR. KLEMONS: Okay. Great.
6 MR. THEISEN: The EPA is paying for the
7 Pines School water.
8 MR. KLEMONS: Okay. Great. But I also
9 want to state that, you know, these people,
10 I feel, why should they have -- A comment
11 you said earlier, sir -- that these people
12 who are getting the City water must pay a
13 \$15 connection fee, where they have water
14 turned on, and a hundred dollar deposit?
15 MR. THEISEN: Refundable.
16 MR. KLEMONS: But why should they have
17 to shell out cash out of their pocket when
18 it was NIPSCO's, Brown's, and a few other
19 people's fault that these folks have
20 contaminated water? Why should they spend
21 money out of their pocket? Let NIPSCO and
22 all them eat the cost of that. Why should
23 the customer --
24 MR. THEISEN: That's something for Mr.
0072 Russell at Michigan -- We have nothing to do
1 with that.
2 MR. KLEMONS: Well, why don't you two
3 step in and say, Hey, these folks have
4 nothing to do with it, this is not the
5 people's fault?
6 MR. THEISEN: Would you go as far as say
7 the people shouldn't pay their water bill
8 either?
9 MR. KLEMONS: No, sir. I'm not saying
10 they shouldn't pay their water bill. But
11 people still feel, no, they shouldn't. But
12 what I'm saying is, sir, is that right now
13

14 you're spending millions of dollars to give
15 these people clean drinking water and
16 bathing water. But then you're going to
17 turn around and say, Well, you need to pay
18 this, you need to pay that.

19 No, they did not cause this problem,
20 they had nothing to do with this. They're
21 innocent bystanders. Make NIPSCO and the
22 rest of these other companies who you have
23 found to be guilty of this, make them pay
24 for these people's stuff. Let them come up
25 with the deposit. Some of these people that

0073

1 I know are on fixed income, that's a hundred
2 dollars worth of groceries they can spend in
3 their houses, or pay for their NIPSCO bill.

4 (Applause.)

5 MR. KLEMONS: You know, why should they
6 spend cash out of their pockets, it's not
7 their fault?

8 MR. THEISEN: We'll ask Mr. Babcock if
9 NIPSCO is willing to pay the \$16 you're
10 talking about.

11 MR. KLEMONS: Well, what about why any
12 cash should come out of these people's
13 pockets --

14 MR. THEISEN: I can't -- I can't --

15 MR. KLEMONS: -- besides pay for water?

16 MR. THEISEN: I can't speak for Michigan
17 City Water Department. That's going to have
18 to be between the City and responsible
19 parties. You're talking about the
20 consumers.

21 MR. KLEMONS: Yes.

22 MR. THEISEN: The responsible parties
23 are NIPSCO and Mr. Brown.

24 MR. KLEMONS: Yeah, let them pay, don't
25 take it out of these people's pockets.

0074

1 MR. THEISEN: It wouldn't be fair for
2 the 130 last year, they paid their \$15 --

3 UNIDENTIFIED SPEAKER: Refunds.

4 MR. KLEMONS: And also, in all honesty,
5 I'm here tonight representing my parents who
6 live in the Pines, okay. And they had to
7 take a bottle and fill it up, and turn it
8 in, if I'm not mistaken, for testing. Why
9 are my parents paying for all that? Why
10 isn't NIPSCO paying for all that? My
11 parents are shelling money out of their
12 pocket every time they give a sample.

13 Regardless, I know the Town of Pines
14 should be picking up some of that. But why
15 should the Town of Pines pick up any of
16 that? The EPA should be paying for it, not
17 the Town of Pines, and not my parents.
18 NIPSCO, Brown, and whoever else should be --

19 be taking care of all this cost, not us.
20 Why are we paying for this?

21 MR. THEISEN: We didn't ask you to take
22 the sample, I guess.

23 MR. KLEMONS: Yes, they did. They bring
24 the bottle to my house.

25 MR. THEISEN: It wasn't the EPA that

0075

1 asked you to take the sample, we would've
2 paid for it like the other 150 samples we've
3 taken in the community.

4 MR. KLEMONS: That's my question:
5 You're wantin' samples --

6 MR. THEISEN: We didn't want the
7 samples, you did that on your own.
8 Apparently, we didn't ask you to take the
9 samples. You had the choice of saying no.

10 UNIDENTIFIED SPEAKER: We had no choice
11 in the --

12 MR. THEISEN: You had a choice to say
13 no.

14 MR. KLEMONS: Okay. So, without doing
15 this testing, we don't know if we're going
16 to have contaminated water or not. You
17 know, we're danged if we do, and danged if
18 we don't. And so, again back to my point,
19 why should these consumers pay money out of
20 their pockets? You've already found the
21 guilty parties, and you're trying to make
22 the guilty parties pay for their mistake.

23 So, don't make them pay a \$100 deposit,
24 don't make them for \$15 so some guy can come
25 out and turn a little spigot on and say,

0076

1 Okay, we got city water, it costs you 15
2 bucks. Let them pay for everything. Don't
3 take it out of these people's pockets, they
4 work hard for their money now as it is.
5 Can't you get NIPSCO to pay for this?

6 MR. THEISEN: No.

7 MR. KLEMONS: Why?

8 MR. THEISEN: Because it wouldn't be
9 fair to the people who paid last year, and
10 that's the way -- that's just the way
11 Michigan City operates.

12 MR. KLEMONS: But my point is --

13 MR. THEISEN: I think we've answered
14 this question, Janet.

15 MS. POPE: Yes, and --

16 MR. THEISEN: So, the answer is, no, we
17 got nothing to say about it. I'm sorry you
18 got to pay \$15.

19 MR. KLEMONS: No, it's a hundred and
20 fifteen dollars.

21 MR. THEISEN: What part of \$100
22 refundable don't you understand?

23 MR. KLEMONS: That's not these people's

24 fault, it's NIPSCO's fault.
25 MR. THEISEN: It's refundable, they get
0077 the money back.
1 MR. KLEMONS: It doesn't matter, you're
2 taking money out of these people's pockets
3 that they should not have to spend.
4 MS. POPE: But actually, that's an issue
5 that you need to address with the water
6 department.
7 MR. KLEMONS: No, it's something that
8 these people --
9 MS. POPE: Well, then -- then we need to
10 move on here. We really need to move on.
11 We have this room another 20 minutes. If
12 you all want to spend another 20 minutes on
13 this subject, that's fine. I have no
14 problem with it. But if you all want to
15 move on, we have to move on.
16 MR. KLEMONS: You just cut people
17 through like they didn't --
18 MS. POPE: Thank you for your comment.
19 Cathy Murray.
20 MS. MURRAY: Earlier, Mr. Drexler, you
21 talked about a human health risk assessment.
22 MR. DREXLER: Yes.
23 MS. MURRAY: That's part of the remedial
24 investigation facility site; correct?
0078 MR. DREXLER: Yes.
1 MS. MURRAY: But then you also said
2 you're not doing a health study. So, how do
3 you do the human health risk assessment?
4 MR. DREXLER: We're -- we're not doing a
5 typical, like, a cluster examination. What
6 we do is determine human health -- Do you
7 want to cover this one, Mark?
8 MR. JOHNSON: Okay. Thanks. There --
9 The human health risk assessment is actually
10 taking the environmental information in
11 trying to predict what could be the health
12 hazards associated with exposure to these
13 levels. It's a decision process that allows
14 the EPA to determine what's an appropriate
15 sample level for the remedial investigation,
16 Paraline that is what our agency does.
17 ATSDR is part of the human health
18 service. Our focus is mainly on helping
19 impacts in the community. And I also want
20 to take this to, in quite, those of you who
21 feel you have health concerns related to
22 your drinking water, that you come forward
23 to us and relay that, so that we can use it
24 as part of our information gathering in the
0079 state of our investigation.
1 That, again, we're looking at health
2

3 impacts of the community, the EPS tried to
4 use the environmental information for said
5 standard and that role. The sort of
6 parallel prompts that are not necessarily
7 directly related.
8 UNIDENTIFIED SPEAKER: Excuse me, your
9 name is not on here; what is your name and
10 your title?
11 MS. POPE: Excuse me, sir, his name is
12 on the fact sheet, if you have the fact
13 sheet, his name is there.
14 MR. JOHNSON: My name is Mark Johnson,
15 I'm the Regional Director of ATSDR.
16 MS. MURRAY: Is there an e-mail that we
17 can use to get in touch with you to let you
18 know of any health issues we have concerns
19 with? Should we write to you?
20 MR. JOHNSON: Yes, I guess the e-mail is
21 not on that sheet I gave. It's
22 mkj5@cdc.gov.
23 MS. MURRAY: Gov?
24 MR. JOHNSON: Yes.
25 MS. MURRAY: And so, then we can e-mail

0080

1 you there and tell you --
2 MR. JOHNSON: Yeah, you can speak to us
3 after the meeting, Michelle Collins
4 (phonetic) is in our staff here, you can
5 speak to us after the meeting. And our
6 phone number is on the fact sheet, if you
7 want to talk with us; we're certainly very
8 interested in hearing from you.
9 MS. MURRAY: Thank you. And then I have
10 one more question. Janet, you keep
11 referring to a Web site, but you haven't
12 given us the site address. Could you do
13 that?
14 MS. POPE: The Web site is on the back
15 of the fact sheet. The fact sheet EPA and
16 responsible company sign agreement,
17 www.epa.gov/region5/site/pines, right here
18 (indicating).
19 MS. MURRAY: Thank you.
20 MS. POPE: You're welcome. Barb- --
21 Barbara Foldenauer.
22 MS. FOLDENAUER: Pass.
23 MS. POPE: Pass, okay. Marilyn Kalamir.
24 MS. KALAMIR: Pass.
25 MS. POPE: Pass. Marvin E., is it

0081

1 Guenther?
2 UNIDENTIFIED SPEAKER: Guenther.
3 MS. POPE: Guenther.
4 MR. GUENTHER: It's Guenther. But my
5 questions have been pretty well asked, and
6 some material with some of the concerns of
7 the other people.

8 MS. POPE: Okay. Thank you. Janice
9 Chapman.
10 MS. CHAPMAN: Pass.
11 MS. POPE: Charles Hughes.
12 MR. HUGHES: (Shaking head.)
13 MS. POPE: Jim Bostatler.
14 MR. BOSTATLER: Pass.
15 MS. POPE: Dave McCulpin.
16 MR. McCULPIN: My name is Dave McCulpin,
17 I live on Pine Street past Poplar, I'm not
18 going to get water. When these wells are
19 capped up, where all the water is being
20 served, and all the City water goes in, and
21 then wells are capped, the watertable
22 changes, the flow of the water changes, my
23 water is contaminated, then, who is going to
24 cover that? Say, in three or four years
25 down the road, my water becomes

0082

1 contaminated, is NIPSCO and Brown going to
2 be not responsible then?
3 MR. DREXLER: No, no. One of the things
4 we're going to be looking at will be changes
5 in -- in groundwater flow due to various
6 things. One of them is going to be when
7 we've got a number of residences that could
8 go on city water. You know, that could
9 potentially change the flow.
10 MR. McCULPIN: Right.
11 MR. DREXLER: And that's one of the
12 things that we will be evaluating. And
13 again, if you look at that -- if you look at
14 that circle area, that's our starting point.
15 And it's any contamination within that, or
16 emanating from that. And so, if there's
17 reason to -- to look into other areas, we're
18 going to.
19 MR. McCULPIN: For how long, is this a
20 three-year study?
21 MR. DREXLER: Yeah, this is going to be
22 a part of that study.
23 MR. McCULPIN: Okay. Well, what happens
24 if it acts up and happens in five years I
25 have contaminated water, the same

0083

1 contaminants that are found now? In five
2 years, will the City or NIPSCO and Brown pay
3 for my city water connection?
4 MR. DREXLER: What would have to happen,
5 I mean, again, a responsible party is -- is
6 pretty much never off the hook. And that's
7 a fact. I mean, if there's contamination in
8 the groundwater, you know, we've got a
9 couple of orders, you know, that's gonna
10 cover what we know now. If we know
11 something else later, it's potentially in
12 the ballgame.

13 MR. McCULPIN: Okay. Thanks.
14 MS. POPE: Thank you. The next name,
15 and I'll have to spell it. M-i-t-e-r-s-a-r,
16 is it d-h?
17 MR. BUDRICK: What's the number?
18 MS. POPE: The number is 56.
19 MR. BUDRICK: Not me.
20 MR. FAROH: Pass.
21 MS. POPE: Fifty-seven.
22 MR. BUDRICK: That's me. Okay. Excuse
23 me. My name is Phillip Budrick. I live at
24 1575 Illinois Avenue. Actually, I'm right
25 across the street from the town grand. And

0084

1 I just have a few quick -- a few quick
2 questions. Prior to the -- prior to when
3 the agreement was signed for the extra 140
4 homes, my next door neighbor was at 1550.
5 And I'll ask this question, actually, I have
6 two quick questions. The first one: My
7 next door neighbor lives at 1550 Illinois
8 Avenue, and he already paid for part of his
9 parallel six-inch pipe. And my concern is,
10 will he be reimbursed for that?

11 MR. THEISEN: The answer to that
12 question is: There is nothing in the order
13 that provides reimbursement for people that
14 might have connected on their own last year
15 that weren't included in last year's project
16 and are in this year's project. So, I would
17 leave that up to the responsible parties, --

18 MR. BUDRICK: Okay.

19 MR. THEISEN: -- NIPSCO and Mr. Brown to
20 see if there is anything that they can do or
21 will do to reimburse those people.

22 MR. BUDRICK: Yeah, I've heard those
23 kinds of words, there being legal
24 contaminants, you know, hold things up, kind
25 of.

0085

1 MR. THEISEN: So, we have to leave it up
2 to them, obviously.

3 MR. BABCOCK: If you could clarify,
4 would this home have been one of the ones
5 that will get hooked up to water now?

6 MR. BUDRICK: Yes.

7 MR. BABCOCK: If it's one that would
8 have been in the area that would have been
9 within the 140 homes in this case, both
10 Brown and NIPSCO and have agreed to
11 reimburse that back to that homeowner --

12 MR. BUDRICK: Okay.

13 MR. BABCOCK: -- and we'll do that most
14 likely through the water company. If you
15 want to see me afterwards, you know, we'll
16 address that.

17 MR. BUDRICK: Okay.

18 MR. BABCOCK: Or have your neighbor.
19 MR. THEISEN: There are several like
20 that. I believe there is one and there is a
21 gentleman in the Pines, so there will be
22 three or four like that.
23 MR. BABCOCK: Okay. And if they are in
24 the group that normally would have been in
25 the 140 group this time, we will make that
0086 reimbursement.
1 MR. BUDRICK: Okay. The second question
2 is: My house is at the corner lot, in other
3 words, I'm right adjacent, you know,
4 Illinois and John Avenue. If they're
5 connecting all the homes, will they run a
6 parallel pipe all the way to John Avenue,
7 East John Avenue, will a parallel pipe be
8 put down?
9 MR. THEISEN: Yes.
10 MR. BUDRICK: Yes, it will. Okay. And
11 the last quick question is: We own a -- you
12 know, a house that my late grandmother used
13 to be at, you know, on Burr Street, and I'm
14 just double checking if Burr Street in the
15 section?
16 MR. THEISEN: Yes.
17 MR. BUDRICK: Okay. Very good. I
18 appreciate your answers. Thank you very
19 much.
20 MR. BRAND: Can I add something to that?
21 THE COURT REPORTER: State your name,
22 please.
23 MR. BRAND: Tom Brand, I live across the
24 street, and as I understand, Clarence, the
25 neighbor across the street paid thousands of
0087 dollars to get that pipe put up the street,
1 we're talking some pretty heavy money. And
2 he'll think of us as very bad neighbors if
3 he doesn't get his money back. Because as
4 he understood it earlier, it was going to be
5 divided amongst the four homes on Illinois.
6 MR. THEISEN: That's true. If the other
7 homeowners would be left to connect to that
8 main, Mr. Russell from Michigan City was
9 going to pro-rate that. But now with
10 NIPSCO's generous offer, it's a mute point,
11 right, he's going to get his money back.
12 MR. BABCOCK: Again, let me just repeat,
13 that was one of the -- if it would have been
14 one of the 140 homes in this group, they
15 would be reimbursed.
16 MR. BRAND: I'll tell him that.
17 MS. POPE: Alan Pitts.
18 MR. PITTS: My name is Alan Pitts, I
19 live on Colorado. I understand that my home
20 is in one of the areas that's getting --
21
22

23 that's getting water. Well, I'm very
24 pleased to hear that. Except, I'm not going
25 to be going out tonight to have a beer,

0088

1 because I'm very, very displeased to find
2 out that there are other people in the Town
3 of Pines that are not as lucky as I am.

4 MS. POPE: Thank you. Daniel Adney.

5 MR. ADNEY: Daniel Adney. The question
6 I got is, 8384 we went and talked to Brown
7 and he agreed to fill in the backyard, I
8 live off of Ardondale, because the landfill
9 was raising the watertable. And out of
10 these homes, he filled in all of our
11 backyards, and filled this in here. And if
12 they're not saying that they didn't affect
13 the watertable, I mean, they filled it in
14 for us at no charge.

15 MR. THEISEN: That's something --

16 MR. ADNEY: And we're not included in
17 the water, so I just thought I'd bring that
18 up, is there a problem there?

19 MR. DREXLER: Yeah, could -- could we
20 maybe get together after the meeting, and
21 maybe we can get a little bit more
22 information about that?

23 MR. ADNEY: Okay.

24 MR. DREXLER: Thanks.

25 MS. POPE: We can take several more

0089

1 questions for about 10 minutes, and then
2 after that we'll stop. So, if you need to
3 come and talk to Ken -- Ken or Tim, one on
4 one, or look at the maps, you can do that.
5 Because we have to be out of here by, I
6 think they gave us five minutes to eight.
7 So if you have a question, we'll give 10
8 more minutes for questions.

9 MR. HERRON: Jan, can I make one
10 comment?

11 MS. POPE: Yes.

12 MR. HERRON: My name is Kevin Herron,
13 I'm with IDEM. The issue is already being
14 raised by the property taxes, and the
15 property tax values, and then you raise the
16 issue, I have a proj- -- I have a project in
17 Indianapolis that the County Assessor gave
18 them a deduction in their property taxes
19 until such time as the project was
20 completed, and that he felt that it was
21 determined that impact was not being -- the
22 environmental impact was not affecting their
23 property value in a downward fashion. So,
24 it has -- there is in the State of Indiana,
25 it has been done before. So, it's something

0090

1 you can take to your assessors, and say,

2 Wait a second, this has been done in
3 Indianapolis. If you want to, you can give
4 them my name. I'll make sure you have the
5 number. And then that way -- that way we
6 can get the right people talking, and maybe
7 you can get some relief for your property
8 taxes. So, it is possible.

9 MR. DREXLER: Kevin, I would give them
10 the specific name of that site so that they
11 actually know --

12 MR. HERRON: The site is Avanti, it was
13 a lead smelter in Indianapolis. And they
14 release through airborne emissions, out of
15 their stacks they release lead, and it was
16 in the neighborhood. So that we had to go
17 in and do the removal action, to remove
18 yards, to remove lead, contaminated soils,
19 so they can re-sod and re-seed and all that
20 stuff. So -- But there was some impact.
21 So, they're on the same -- There is a
22 possibility. There is precedence in the
23 State of Indiana for there to be some tax --
24 part of tax relief. So if you want to get
25 with me afterwards, I can come give you

0091
1 my --

2 UNIDENTIFIED SPEAKER: Do people have to
3 request individually for that refund, or was
4 it done as a community, like, in the big red
5 circle?

6 MR. HERRON: The way it was -- the way
7 it was supplied in this particular case, is
8 they went -- that was the removal action was
9 done by some coordinator, and what was done
10 was the site -- the site to one of the
11 contamination in this particular case, the
12 EPA established the site in the red area.
13 And what they did is the tax assessor
14 accepted that as a scientifically sound
15 area. And they applied universally
16 throughout that whole area. So, I'm not
17 sure how yours will want to do it, but we
18 can make sure the right people are talking,
19 and hopefully get something worked out so
20 there could be at least some relief. Okay.
21 Thank you.

22 MS. POPE: Are there anymore questions
23 at this time? We only have about ten more
24 minutes for questions. I can take this
25 young lady -- this young lady, and take

0092
1 these two first since they haven't had a
2 chance to -- If you can get up to the mic,
3 then this lady will be next (indicating).

4 MS. BOLEMAN (phonetic): I just want to
5 ask, how --

6 THE COURT REPORTER: Can I have your

7 name, please?
8 MS. POPE: Could you state your name
9 please, ma'am?
10 MS. BOLEMAN: Oh, my name is Barbara
11 Boleman.
12 MS. POPE: Thank you.
13 MS. BOLEMAN: And I wanted to ask how
14 deep are these wells over here that aren't
15 contaminated? Are they all about the same
16 depth, or . . . ?
17 MR. DREXLER: Most -- most of the wells
18 are between 20 and 30 feet.
19 MS. BOLEMAN: Oh, see, that's surface
20 water. Now, I've had my well redrilled.
21 And I live up on the old Chicago Road, and
22 they take -- tested my water, the EPA tested
23 it about three years ago, but they didn't
24 test it for boron. So, I don't know if I
25 have contaminated water or not. But I think
0093
1 my well is about 60 feet deep. So I mean,
2 most of these wells are surface water.
3 MR. DREXLER: Well, I mean, one of the
4 issues that we're going to be dealing with
5 in our investigation is the fact that --
6 that we are getting these -- these minerals
7 in natural amounts from deeper wells. And
8 so, it could be that there are going to be
9 amounts of molybdenum and boron in wells
10 naturally in this area. And that -- that --
11 that's part of what we're going to be
12 looking at.
13 It's certainly a huge question with us
14 also in terms of -- of the depth of these
15 wells and where they're picking up these
16 minerals, and how and what the flow patterns
17 are. So that -- that is a part of what
18 we're going to be studying.
19 MS. BOLEMAN: Well, will they retest my
20 water again?
21 MR. DREXLER: Well, I'm not quite sure
22 which wells we're going to be retesting at
23 this time. Are you -- You're near the
24 corner of Ardondale and Old Chicago.
25 MS. BOLEMAN: No, I'm up on the Old
0094
1 Chicago Road, not too far from Pines
2 Township School.
3 MR. DREXLER: Okay. Well, once we get
4 some of this information that we're going to
5 be getting soon from the Pines Group, we're
6 going to be looking at that area near the
7 school.
8 MS. BOLEMAN: Okay. Thank you.
9 MS. SODDER (phonetic): My name is Carol
10 Sodder. I'm just wondering if you see a
11 time when some of these deposits of fly ash

12 might actually be removed from the community
13 because there is a considerable amount?
14 I've been told that Illinois Avenue, that it
15 extends from John South, was built out of
16 fly ash. And if you go walking on that road
17 and you look down at the ditch, which is on
18 each side of the road, you see sludge in
19 there, it's not at all, you know, it doesn't
20 look like pure water at all. But I'm just
21 wondering, is that just going to continue to
22 contaminate and to run off in the future
23 forever?

24 MR. DREXLER: Well, right now we're not
25 excluding any potential remedy for this

0095

1 site. We're not excluding anything.

2 MS. POPE: Sir, in the back, would you
3 like to come up to the mic?

4 UNIDENTIFIED SPEAKER: Yeah, I've just
5 got one question.

6 THE COURT REPORTER: Can you go to the
7 microphone? I can't hear you.

8 UNIDENTIFIED SPEAKER: When these folks
9 swap over to the City water, a lot of these
10 folks have wells -- septic, I mean, will
11 that affect your septic system also to swap
12 over to the City, or will it stay the same,
13 the City sewer? That's what I'm asking.
14 And, like, where I live, you know, we have
15 well water, and then we have a septic
16 system --

17 MR. DREXLER: Yeah, --

18 UNIDENTIFIED SPEAKER: -- swapping over,
19 will that affect our septic systems?

20 MR. DREXLER: No.

21 UNIDENTIFIED SPEAKER: So, we won't have
22 the cost of swapping over to the City?

23 MR. DREXLER: No, you will not on that.

24 UNIDENTIFIED SPEAKER: Okay, thank you.

25 MR. DREXLER: Sure.

0096

1 MS. POPE: Are there any other questions
2 before we close? We have five minutes. I
3 think the young lady first, here
4 (indicating), and then, sir, we'll end with
5 this gentleman right here.

6 MS. DAVIS: At the meeting this
7 afternoon, I had brought up the fact that we
8 have lost several pets, you know, good
9 hunting dogs and things to various types of
10 tumors and things on different areas of the
11 body. The panel suggested that they would
12 like to have any information that anyone
13 would have on their pets that they have
14 lost, or it would be sick, that would not be
15 due to accidents, you know, just old age or
16 whatever, things that would be in, you know,

17 that you might consider, that were caused
18 due to the water. So, could that be a clear
19 indication of other areas they need to look?
20 So, I just wanted everybody here tonight to
21 be aware of that, and please give these
22 people any information you might have.
23 Thank you.

24 MS. POPE: Thank you. And, sir,
25 we'll -- This will be our last question for

0097

1 tonight.

2 MR. KYSEL: I wondered if -- And my name
3 is Paul Kysel again. If -- if my
4 understanding is correct regarding the final
5 cost for the remediation that you're talking
6 about again in the long run, I'm under the
7 understanding or impression that in the last
8 four years, current administration has
9 changed the funding formula for the
10 remediation efforts, sort of a way from
11 responsible parties, and more towards the
12 U.S. taxpayer. Is that true?

13 And then I also wondered from Mr.
14 Babcock, if this ends up -- this action ends
15 up and, tens of millions of dollars worth of
16 cleanup costs, is it correct to assume that
17 utility payers are going to bear the brunt
18 of that -- of that cost?

19 MR. DREXLER: To answer -- answer the
20 first question, this is -- this is a new --
21 a relatively new model for the U.S. EPA, in
22 that this is a site that was -- was eligible
23 for our national priorities list. That
24 because we had cooperative responsible
25 parties, is part of what's called a

0098

1 Superfund Alternative Site. Because of
2 that, the monies that are being spent, I
3 mean, as you all have heard, are coming from
4 the responsible parties. So, the costs are
5 being born by them. And a -- and based upon
6 the level of cooperation we had so far,
7 we've got reason to believe that it will
8 continue that way. And that this will be
9 born. If there is a need for additional
10 work, it's going to be born by the
11 responsible parties.

12 That being the case, these -- these are
13 not monies that are going to be taken from
14 the Superfund itself. And so, it
15 wouldn't -- it wouldn't be a factor in -- in
16 this work. The solvency of that -- of that
17 Superfund.

18 MS. POPE: Mark Johnson will close us
19 out, and this will be the last statement for
20 tonight. Or, is --

21 MR. BABCOCK: You had a question on rate

22 payors, specifically for us to change our
23 rates for any of our customers, it takes a
24 proceeding before the Indiana Utility
25 Regulatory Commission. We have no plans to

0099

1 go before the Commission with this issue.
2 So, we would not expect a change in rates,
3 and these expenses end up being born by the
4 shareholders.

5 MR. JOHNSON: One final comment to make
6 is that in reviewing the well sampling data,
7 we identified a number of wells that have
8 quite high levels of sodium. We're not sure
9 what the source is, whether it's led to the
10 site, whether it's road self-applied, and
11 they're reaching into wells. However, we're
12 making a general public health a
13 notification note for those people in the
14 audience and in the community who suffer
15 from high blood pressure, or on some type of
16 restricted diet for whatever reason, you
17 should be aware of what the levels are in
18 your well so you can make a position to see
19 whether or not there needs to be some
20 intervention.

21 The City levels are not action level by
22 EPA. So if you have a type of scope of what
23 they would service for free for bottled
24 water for making this notification of you --
25 to you, that you're aware of that. So, if

0100

1 people who have these conditions that
2 you're -- it's only the position about
3 taking that --

4 MR. DREXLER: And just to -- just to add
5 to that, sodium is not a constituent of fly
6 ash.

7 UNIDENTIFIED SPEAKER: So, I live south
8 of the tracks, on the wrong side of the
9 tracks, as it were, if the EPA -- or when
10 you come and retest our water, will you test
11 for lead and arsenic and all other, or will
12 it just be this three?

13 MR. THEISEN: Any samples EPA has taken
14 in the Pines, all 150, whatever, have all
15 for more than one metal, there's a range of
16 20, 25 metals. We take 'em -- we take all
17 of them, it's all in the same test.

18 UNIDENTIFIED SPEAKER: All right.

19 MS. POPE: Thank you for coming tonight.
20 We'll be around for ten minutes. If we can
21 all get out of here about five minutes to
22 eight, just be respectful of the library.
23 Thank you.

24 (Proceedings concluded at 7:50 p.m.)

25 ---oOo---

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1 STATE OF INDIANA)
) SS:
2 COUNTY OF LaPORTE)
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4 REPORTER'S CERTIFICATE OF EXCERPT
5 I, Melissa A. Kilgallon, Associate Reporter,
6 Notary Public, having been duly sworn as such, do
7 hereby certify that I reported the proceedings held
8 on April 13th, 2004, as held before the Public, at
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10 Michigan City Public Library, Michigan City, Indiana.
11 I further certify that I have transcribed my original
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16 true, complete and accurate transcript of the
17 aforesaid proceedings.

18 Dated this ____ day of May, 2004.
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22 Melissa A. Kilgallon,
Associate Reporter
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